Providence, R. I., opposing the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, protesting against striking out the word "sex" in the statehood bill—to the Committee on the Territories.

Also, petition of the First Baptist Church of Newport, R. I., in favor of constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of the New England Shoe and Leather Association, of Boston, Mass., favoring the bill to increase the powers of the Interstate Commerce Commission—to the Committeee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Central Falls, R. I., protesting against striking out the word "sex" in statehood bill—to the Committee on the Territories.

Also, petition of Providence Division, No. 57, Brotherhood of Locomotive Engineers, of Providence, R. I., favoring bill H. R. 13354—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of J. W. Conway and 7 other citizens of Elma, Iowa, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: Petition of business men and producers of Ottumwa, Iowa, urging passage of bill H. R. 13778, known as the "Hearst interstate-commerce bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition urging the passage of bill H. R. 13778, known as the "Hearst bill," by citizens of Portland, Oreg.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEDGE: Petition of citizens of Oklahoma, for saloon exclusion—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILDEBRANT: Petition favoring the Hepburn-Dolliver bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Elizabeth Jackson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition for the relief of James Batten—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Memorial praying for the extension of the Alaskan Government cable from Valdez to Dutch Harbor and Kiska Island and from Juneau to Ketchikan—to the Committee on Military Affairs.

By Mr. JACKSON of Ohio: Papers relating to the removal of charge of desertion and obtaining pension for Samuel Zellner—to the Committee on Invalid Pensions.

Also, papers relating to pension for Richard M. Johnson, Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers relating to pension increase for Daniel Hartsough—to the Committee on Invalid Pensions.

Also, papers accompanying application of Mrs. Roberta R. Havelick, for special pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Papers to accompany application for pension for Gertrude A. Harding—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Papers to accompany bill H. R. 17056, granting a pension to Sarah H. Willhite—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17054, granting a pension to R. Burchfield—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16394, granting a pension to Sarah C. Johnson—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 17052, for the relief of Brian B. Tulley—to the Committee on Invalid Pensions.

By Mr. MACON: Petition for an increase of pension for Benjamin F. Bibb—to the Committee on Pensions.

Also, petition for an increase of pension for Mrs. L. B. Jackson—to the Committee on Pensions.

By Mr. MAHON: Petition of First Baptist Church of Lewistown, Pa., in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McLACHLAN: Petition of W. E. Stevens et al., of Carpenteria, Cal., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of New Haven, Mich., in favor of the Hearst bill, enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill H. R. 15748, to increase pension of Evan R. Young—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Robert D. Embrey, of Fauquier County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Petition of the Ladies' Missionary Society of the Essex Street Baptist Church, of Lynn, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of C. B. Cushing, of Chelsea, Mass., in favor of constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Union League Club of New York, in relation to tariff revision—to the Committee on Ways and Means.

Also, petition of the Buffalo Lumber Exchange, favoring enlargement of the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Petition of Miami Division of Brotherhood of Locomotive Engineers, for relief of engineers on Government roads in the civil war—to the Committee on Invalid Pensions.

Also, papers in support of bill H. R. 13065, increasing the pension of James Hay—to the Committee on Invalid Pensions.

Also, petition in support of bill H. R. 13065, increasing the pension of James Hay—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: Petition for the enactment of legislation to amend and legalize the customs-drawback law as expressed in the Lovering bill—to the Committee on Ways and Means.

By Mr. WANGER: Petition of the Montgomery County (Pa.) Medical Society, favoring the bill to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

By Mr. WARNOCK: Petition of Clinton Duncan & Co. et al., citizens of Ostrander, Ohio, in favor of increasing the powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Papers to accompany bill H. R. 16265, for the relief of Margaret Stevens—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of D. C. Boyd et al., of San Jose, Cal., favoring legislation prohibiting opium in the Philippines—to the Committee on Ways and Means.

Also, protest against construction of the proposed bridge at Carquinez Straits, California—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of San Francisco, Cal., favoring the improvement of the harbor of Honolulu, Hawaii—to the Committee on Rivers and Harbors.

Also, petition of the Michigan Sugar Manufacturers' Association, against legislation reducing duty on either raw or refined sugar—to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 6, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

ENDOWMENT OF AGRICULTURAL COLLEGES.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements of the fiscal year ended June 30, 1904, made to the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act approved July 2, 1862," and an act approved August 30, 1890; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

REPORT OF THE ATTORNEY-GENERAL.

The PRESIDING OFFICER laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1904; which was referred to the Committee on the Judiciary, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of Pennsylvania and Rhode Island; which, with the accompanying papers, were ordered to be filed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILWAY COMPANY.

The PRESIDING OFFICER laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator and Railway Company, of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants' Association of New York City, and a petition of the American Conference on International Arbitration, of New York City, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Angelica, Poplar Ridge, and Reed Corners, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Republican Club of New York City, praying for the enactment of legislation to reduce the excessive representation from the affected States in Congress and the electoral colleges; which was referred to the Committee on the Census.

He also presented memorials of sundry citizens of New York City and Binghamton, in the State of New York, and of the Sugar Manufacturers' Association of Saginaw, Mich., remonstrating against any reduction of the tariff on sugar, tobacco, cigars, etc., imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented a petition of the committee on political reform of the Union League Club, of New York City, praying that an investigation be made of the conditions of manufacture as affected by the present tariff law; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Clyde, Rose, Seneca Falls, Elk Creek, and Buffalo, of the Chamber of Commerce of Utica, and of the Chamber of Commerce of Albany, all in the State of New York, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Jefferson Division, No. 154, Brotherhood of Locomotive Engineers, of Howell, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a memorial of the congregation of the First Methodist Episcopal Church of Petoskey, Mich., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of the Michigan Woman's Christian Temperance Union, of the Woman's Christian Temperance Union of Detroit, of the Woman's Christian Temperance Union of Shelby, and of W. L. Griffin, of Shelby, all in the State of Michigan, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pittsford, Detroit, Lansing, Armada, Big Rapids, and Hillsdale, all in the State of Michigan; of Harbor Springs Grange, No. 730, Patrons of Husbandry, of Harbor Springs; of Wilson Grange, Patrons of Husbandry, of East Jordan; of Woodman Grange, No. 610, Patrons of Husbandry, of Gobleville; of Inland Grange, No. 503, Patrons of Husbandry, of Benzie County; of Fremont Grange, No. 831, Patrons of Husbandry, of Saginaw County; of Grass Lake Grange, No. 925, Patrons of Husbandry, of Antrim County; of Crystal Grange, No. 441, Patrons of Husbandry, of Crystal; of Keene Grange, No. 270, Patrons of Husbandry, of Lowell; of Danby Grange, Patrons of Husbandry, of Portland; of Moscow Grange, No. 108, Patrons of Husbandry, of Hanover; of the Farmers' Club of Owosso; of the Overisel Creamery Company, of Allegan County, and of the faculty of the Agricultural College of Michigan, all in the State of Michigan, remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented memorials of the Woman's Christian Temperance Union of the Tenth Congressional district, of sundry citizens of Birmingham, of the State Woman's Christian Temperance Union, of the congregation of the Methodist Episcopal Church of Ishpeming, and of James M. Wells, of Petoskey, all in the State of Michigan, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Portsmouth, Sunfield, Grand Lodge, Owosso, Allegan County, and of the Banner Mercantile Company, of Saginaw, all in the State of Michigan, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Plymouth; of the Ladies' Club of Coleman; of the Ladies of the Grand Army of the Republic, Department of Michigan, of Benton Harbor; of the Century Club of Detroit; of Greenville Hive, No. 201, Ladies of the Order of the Maccabees, of Greenville; of the Federation of Woman's Clubs of Grand Rapids; of the Woman's Christian Temperance Union of Livingston County; of the Woman's Christian Temperance Union of West Bay City; of the Woman's Christian Temperance Union of Hart; of the Woman's Union Label League of Bay City; of the Woman's Club of Owosso; of Parker Hive, No. 114, Ladies of the Maccabees, of Stanton; of the New Century Club of Detroit; of the East Side Ladies' Literary Club, of Grand Rapids; of the Political Equality Club of Saginaw; of the Woman's Christian Temperance Union of Penn; of the Woman's Christian Temperance Union of Escanaba; of the Woman's Civic League of Grand Rapids; of the Century Club of Charlotte; of the Equal Suffrage Association of Bay City; of the Ladies' Literary Club of Grand Rapids; of the Ladies of the Grand Army of the Republic, Department of Michigan, of St. Joseph; of the congregation of the Fountain Street Baptist Church, of Grand Rapids; of the Civic League of Grand Rapids; of the Central Trades Council of Bay City, and of the Chautauqua Alumni of Benton Harbor, all in the State of Michigan, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Eastbank, W. Va., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. McCOMAS presented a petition of the Bar Association of Montgomery County, Md., and a petition of the Chamber of Commerce of Baltimore, Md., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Travelers and Merchants' Association of Baltimore, Md., and a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Yearly Meeting of the Religious Society of Friends of Maryland, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Union of Middletown, Md., praying for the enactment of legislation providing for Federal control in the Territory of Oklahoma when admitted to statehood, and remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Hartford County, Baltimore, Whiteford, Oakland, Sandy Spring, and Forest Hill, all in the State of Maryland, praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Chamber of Commerce of Baltimore, Md., praying for the enactment of legislation to simplify the laws in relation to the collection of the revenues; which was referred to the Committee on Finance.

Mr. KNOX presented a petition of the Oakland Board of Trade, of Pittsburg, Pa., praying for the enactment of legislation to improve the condition of the Monongahela and Ohio rivers in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Patriotic Order, Sons of America, praying for the enactment of legislation providing for more stringent laws and regulations governing immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Subdivision No. 43, Brotherhood of Locomotive Engineers of Pennsylvania, praying for the enactment of legislation prohibiting the employment of locomotive engineers who have not at least had three years' experience; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Quaker City Metallic Bedstead Company, of Philadelphia, Pa., praying for the enactment of legislation providing for untaxed denaturalized alcohol for use in the arts and manufactures; which was referred to the Committee on Finance.

He also presented a petition of the Merchants and Manufac-

turers' Association of Pittsburg, Pa., praying for the enactment of legislation for the establishment of a system of pneumatic tubes for the transmission of mail in the cities of Pittsburg and Allegheny, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the C. H. Squier & Son Co., of Pittsburg, Pa., and a petition of W. J. Koch & Co., of Philadelphia, Pa., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Hauenstein & Co., of Lincoln; the Johns-Brash Cigar Company, of McSherrystown; the Cigar Manufacturers' Association of Pittsburg; H. R. Stierheim, of Millvale; H. K. Stork & Co., of Adamstown; D. J. Rex & Co., of Pittsburg; Samuel Smith & Son, of Allegheny; S. R. Moss, of Lancaster; the Imperial Cigar Company, of Lancaster; the Banner Cigar Company, of Lancaster, and the La Union Cigar Company, of Hanover, all in the State of Pennsylvania, remonstrating against any reduction in the tariff on tobacco and cigars imported from the Philippine Islands; which were referred to the Committee on Finance.

He also presented petitions of R. D. Wood & Co., of Philadelphia; the Baldwin Locomotive Works, of Philadelphia; the Hess-Bright Manufacturing Company, of Philadelphia; the Stow Flexible Shaft Company, of Philadelphia; the Hoopes & Townsend Co., of Philadelphia; the Pittsburg Shovel Company, of Pittsburg; of John Lucas & Co., of Philadelphia; the Empire Chain Company, of Pittsburg; of William Sellers & Co., of Philadelphia; the Flannery Blot Company, of Pittsburg; the Crescent Manufacturing Company, of Scottdale; the National Malleable Castings Company, of Sharon; of McConway & Torley Co., of Pittsburg; the Carnegie Steel Company, of Pittsburg; the Pittsburg Spring and Steel Company, of Pittsburg, all in the State of Pennsylvania, and of the Westinghouse Air Brake Company, of New York, praying for the enactment of legislation to permit the use of Government ground near the Department of Agriculture for a railway appliance exhibition; which were referred to the Committee on the District of Columbia.

He also presented memorials of D. L. Albright, of Milton; O. E. Bunnell, of Honesdale; R. W. Fitzwater, of Canton; H. P. Bunnell, of Meshoppen; Mount Chestnut Grange, No. 133, of Butler County; Mount Joy Grange, No. 584, of Clearfield County; H. F. Harer, of Linden; M. J. Murray, of Overton; Richland Grange, No. 1208, of Richland Center; Scandia Grange, No. 1042, of Scandia; E. G. Wiesuer, of Stines Corner; J. A. Grove, of Bucknell; C. L. Longsdorf, of Floradale; D. W. Hartman, of Richland Center; F. P. Blakeslee, of Blakeslee; Hayfield Grange, No. 800, of Crawford County; Friendship Grange, No. 1018, of Uniondale; Farmers' Union, of Geigers Mills; Martin L. Dunkle, of Lewisburg; B. F. Tyson, of Belfry; C. S. Bates, Dyberry; London Grove Grange, of Chester County; Granville Grange, No. 257, of Canton; Oriental Grange, No. 165, of Lake Winola; Richland Grange, No. 1206, of Richland Center; Highland Grange, No. 980, Highland Lake; Lamar Grange, No. 274, of Salona; Franklin Grange, No. 998, Springtown; J. H. Dawson, of Butler; August Drugler, of Butler; Alva McDowell, of Butler; Clarence A. Post, of Butler; W. D. McCandless, of Butler; John L. Miller, of Butler; O. J. McCandless, of Butler; J. V. Bonnert, of Rasselas; O. W. Abbey, of Turtle Creek; S. C. McClintock, of Corydon; E. R. Lyphrit, of Reynoldsville; John C. Clark, of Butler; George H. Wirt, of Montalto; Shiloh Grange, No. 927, of West Auburn; J. W. Poust, of Hughesville; Sparta Grange, No. 110, of Spartanburg; A. M. Baker, of Gradyville; A. S. Kirsch, of Nicktown; Eva K. Preston, of Solebury; Banner Grange, No. 1115, of Cambria County; R. G. Abbey, of Hanlinton; North Bingham Grange, No. 1194, of North Bingham; Clarion County Pomona Grange, No. 27, of Clarion County; Susquehanna Grange, No. 1145, of Curwensville; Kennett Grange, No. 19, of Chester County; W. E. Sawyer, of Wrights; J. B. Colcord, of Port Allegany; J. C. Gording, of Port Allegany; C. L. Goodwin, of Sutton Creek; E. E. Pownall, of Richboro; W. A. Crawford, of Cooperstown; Valley Grange, No. 1184, of Danville; John Davis, of Patton; Charles Bingoon, of Patton; Leatherwood Grange, No. 625, of Clarion County; J. F. Boice, of Jamestown; Creamery Association Eastern Pennsylvania, of Philadelphia; W. O. Beach, of Cambridge Springs; E. E. Jeffords and sundry other citizens of Erie County; Sebring Grange, No. 1047, of Tioga County; W. H. Tyrrell, of Rome; W. A. Sibley, of North Orwell; Harrison Eberhart, of Butler; Jerry A. Eberhart, of Butler; A. A. Snyder, of Meeker; Elk Lake Grange, No. 806, of Susquehanna County; Josiah Shrever, of Union City; Henry C. Demming, of Harrisburg; Pomona Grange, No. 26, of Crawford County; Brandywine Grange, No. 60, West Chester; N. P. Wilson of Woodland; J. E. Hildebrant, of Lehman; George Baner, of Butler; J. M. Raisley, of Butler; H. C. Stark, of West Nicholson; C. W. Slocum, of Leraysville; D. L. Myers, of Linden; Sullivan Grange, No. 84, Sullivan; Wellsboro Grange, No. 1009, of Wellsboro; M. M. Naginey, of Milroy; C. W. Koontz, of Bedford; Union City Grange, No. 9, of Union City; John L. Pierce, of Warren; Exchange Grange, No. 65, of Exchange; W. A. Hoyt, of Guys Mills; L. T. Ahlum, of Richland Center; Black Ash Grange, No. 212, of Crawford County; French Creek Grange, No. 595, Cochranton; C. E. Childs, of Guys Mills; Fairfield Grange, No. 1157, of Fairfield; Clark D. Heath, of Burlington; E. D. Schnure, of Milton; Pomona Grange, No. 29, of Clinton County; P. M. Cutshall, of Guys Mills; A. S. Stevens, of Towanda; H. C. Spencer, of Towanda; F. L. Rockwell, of Powell; A. W. Rockwell, of Powell; Charles E. Graham, of Lawrenceville; J. B. Smith, of Somers Lane; S. W. Spencer, of Genesee; R. E. Grove, of Genesee; John Hart, of Kinney; Henry M. Landis, of Quakertown; F. M. Baldwin, of Meshoppen; West Nicholson Grange, No. 321, of West Nicholson; C. M. Shern, of Union City; P. S. Bowman, of Hanover; Jacob A. Myers, of Muncy Valley; C. J. Secules, of Muncy Valley; George Crawley, of Muncy Valley; William G. Taylor, of Muncy Valley; Shiloh Grange, No. 927, of West Auburn; G. A. Willard, of West Auburn; Jason Sexton, of North Wales; F. T. Fassett, of Meshoppen; C. E. Thomas, of Nelson; F. A. Burdick and others, of Smethport; Greenbrier Grange, No. 1148, of Greenbrier; Poplar Run Grange, No. 1137, of Poplar Run; Laurel Mill Grange, No. 1161, of Milan; California Grange, No. 941, of Milton; C. W. Mascho, of Westfield; D. Plank, of Westfield; F. A. Ackby, of Westfield; Washington Grange, No. 157, of State College; Colley Grange, No. 365, of Colley; B. H. Creveling, of Bloomsburg; W. J. Beidleman, of Bloomsburg; John D. Neff, of Linden; I. A. Esehbach, of Milton; L. D. Woodfill, of Smithfield; G. W. Bowser, of Osterburg; Lewis B. Zaner, of Dushore; Herman R. Jacoby, of Satterfield; Charles M. Yonkin, of Dushore; Columbia Grange, No. 83, of Bradford County; Rundells Grange, of Conneautville; Sandy Lake Grange, No. 393, of Sandy Lake; Springfield Grange, No. 1257, of West Springfield; O. J. Cropp, of Meadville; A. B. Wilson, of Saegertown; R. H. Buck, of Westfield; West Grove Farmers' Club, of Toughkenamon; C. S. Dreibeldis, of Shoemakersville; Lewis M. Hagerty, of Water Street; Osterburg Grange, No. 737, of Osterburg; William T. Creasy, of Catawissa; Covington Grange, of Moscow; L. B. Henson, of Coatesville; Columbus Grange, of Columbus; P. M. Sharples, of West Chester; W. M. Baldwin, of Jackson Valley; A. G. Decker, of Maple Hill; Philip Hartman, of Richland Center; Edward K. Bohn, of Robesonia; Justitia Grange, No. 434, of Lewisburg; William J. Erdley, of Lewisburg; David Wurster, of Linden; W. H. Smith, of Townsville; Frank H. Taylor, of Reedsville; Myron R. Tunstall, of Warren; C. J. Barney, of Warren; William H. Yont, of Osterburg; John Grundis, of Warren; R. W. Horton, of Union City; Franklin Grange, No. 1169, of Smoch; John A. Cuppett, of New Paris; Martin L. Frey, of Martins Creek; Russellville Grange, No. 91, of Chester County; R. J. Moyer, of White Deer; H. Weed, of East Smithfield; Elkland Grange, No. 976, of Estella; Greenfield Grange, No. 226, of Erie County; George H. Bird, of East Smithfield; V. R. Nicholas, of East Smithfield; R. W. Child, of East Smithfield; Wellsboro Grange, No. 1009, of Wellsboro; Center Grange, No. 229, of Tioga County; Monroe Grange, No. 641, of Wyoming County; Pomona Grange, No. 8, of Montgomery County; Troy Grange, No. 182, of Troy; Richmond Grange, of Bradford County; Jefferson Grange, No. 314, of Washington County; Harts Log Valley Grange, No. 375, of Huntingdon County; Pineville Grange, No. 507, of Bucks County; Oakland Grange, No. 281, of Venango County; Goshen Grange, No. 623, of Clearfield County; Southampton Farmers' Club, Trevose; Bennetts Branch Grange, No. 1174, of Elk County; Summit Grange, No. 1155, of Elk County; Ganusarago Grange, No. 27, of Hughesville; W. H. Kelly, of New Bethlehem; J. A. Firth, of Sugargrove; J. H. Cyphers, of East Stroudsburg; H. J. Seely, Beach Haven; P. C. Sharbaugh, Carrolltown; Thomas Coulston, of Genesee, and John H. Hooverm, of Patton, all in the State of Pennsylvania, remonstrating against the repeal of the present oleomargine law; which were referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE presented petitions of sundry citizens of Muncie, Hartford, and Winchester, all in the State of Indiana, praying for the enactment of legislation providing for the holding of terms of the Federal courts at Muncie, in that State; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hanna, Ind., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a memorial of the Woman's Christian Temperance Union of Columbia, Wash., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also (for Mr. FOSTER of Washington) presented a petition of the Woman's Christian Temperance Union of Columbia, Wash., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

TEMPERANCE CONDITIONS IN THE ARMY AND NAVY.

Mr. GALLINGER. I present a brief paper concerning temperance conditions in the United States Army and Navy. I ask that the paper be printed as a document, and that 10,000 additional copies be printed for the use of the document room of the Senate.

There being no objection, the order was made as follows:

Ordered, That 10,000 additional copies of Senate Doc. No. —, relating to "Temperance Conditions in the United States Army and Navy," be printed for the use of the Senate document room.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6337) for the establishment of subports of entry at Rouses Point and Malone, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6338) for the relief of the heirs and legal representatives of George S. Simon; and

A bill (S. 6339) for the relief of the heirs and legal representatives of Asahel Bliss.

Mr. FULTON introduced a bill (S. 6340) to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6341) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6342) to amend an act entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6343) to amend section 604 of chapter 18, entitled "Corporations," of the Code of Laws for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6344) granting an increase of pension to Richard B. Dickinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 6345) for the appointment of an additional United States commissioner and constable in the northern judicial district of the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BALL introduced a bill (S. 6346) granting an increase of pension to Benjamin F. Sheppard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6347) to refer to the Court of Claims the claim of L. K. Scott; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6348) granting an increase of pension to Richard Edmund Hyde; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 6349) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NELSON introduced a bill (S. 6350) granting an increase of pension to Thomas Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6351) granting an increase of pension to Martin T. Cross; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 6352) for the relief of James Broiles; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6353) for the relief of George A. McKenzie, alias William A. Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. PATTERSON) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6354) granting an increase of pension to Pierce McKeogh;

A bill (S. 6355) granting an increase of pension to Michael McDonald;

A bill (S. 6356) granting an increase of pension to Walter J. Jones;

A bill (S. 6357) granting an increase of pension to Alvan P. Granger (with accompanying papers);

A bill (S. 6358) granting an increase of pension to Theodore W. Gates (with an accompanying paper);

A bill (S. 6359) granting an increase of pension to Edgar L. Patton (with accompanying papers); and

A bill (S. 6360) granting an increase of pension to Joel R. Smith.

Mr. TELLER (by request) introduced a bill (S. 6361) to authorize the construction of a public railway for the transportation of the mails, troops, and munitions of war of the United States, and to aid in the regulation of interstate commerce; which was read twice by its title, and, with the accompanying brief, referred to the Committee on Railroads.

Mr. ALDRICH introduced a bill (S. 6362) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6363) granting an increase of pension to Alice A. Arms;

A bill (S. 6364) granting an increase of pension to Catharine Seymour;

A bill (S. 6365) granting a pension to Jane Rivers; and

A bill (S. 6366) granting a pension to Cynthia L. Allen.

Mr. ALDRICH introduced a bill (S. 6367) to remove the charge of desertion from the naval record of Peter O'Neill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 6369) for the relief of John T. Spence, or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6370) for the relief of Thomas Johnson, or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6371) to confirm title to lot 5 in square south of square No. 990 in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. NEWLANDS introduced a bill (S. 6372) regulating the compensation of the collector of customs for the district of Georgetown, in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

AMENDMENTS TO STATEHOOD BILL.

Mr. GALLINGER submitted sundry amendments intended to be proposed by him to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table, and be printed.

FUR-SEAL FISHERIES CLAIMS.

Mr. FULTON. I ask unanimous consent to call up for consideration the bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore

granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Foreign Relations with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. I understand that the Senator from Oregon [Mr. FULTON] called up this bill. The people of his section of the country are very anxious about it, and I think the bill is entirely right and just. I should like to have the Senator make a statement about it, and if there is objection then, in view of the absence of the Senator from Alabama [Mr. MORGAN], I would ask that it may go over until he can be present.

Mr. FORAKER. Will the Senator from Oregon allow me to say just one word?

Mr. FULTON. I yield to the Senator from Ohio.

Mr. FORAKER. I understand that the Senator from Alabama [Mr. MORGAN] is very anxious to have the Senate pass the bill. I will say, for the benefit of the Senator from Illinois, that it is the desire of the Senator from Alabama that we do not wait for him.

Mr. FULTON. I am informed it is a fact that the Senator from Alabama is anxious that the bill shall be passed. Of course I would not have called the bill up otherwise. The Senator from Alabama did not make that statement to me, but I understand he made the statement to the Senaor from California now occupying the chair.

Mr. President, if I may be permitted, I will briefly state the purpose of the bill. At the time the United States was asserting jurisdiction over that portion of the waters of Bering Sea within the boundaries of Alaska our Government sought to exclude pelagic sealing in those waters and arrested and confiscated a large number of vessels, some under the British flag and some under the flag of the United States.

England contested the jurisdiction of the United States, and it was finally decided by the international commission appointed to determine the question of jurisdiction that the United States was without jurisdiction over those waters beyond the 3-mile limit. As a result the United States was compelled to pay the British subjects for the vessels seized belonging to them.

Russia in the meantime had seized many vessels of the United States. The United States Government presented a claim to Russia for repayment to her citizens, and Russia paid the citizens of the United States whose vessels she had seized and confiscated.

The only owners of vessels left who have not been compensated are our own citizens whose vessels were seized by this Government Mr. Don M. Dickinson, who was the counsel for the United States before the commission selected to determine the amount of the claims of British subjects, which commission sat at Vancouver, British Columbia, made a report which is published in the report of the Committee on Foreign Relations upon the bill. He states that when the claims were presented by the British subjects they amounted to $1,289,000. He was absolutely without any testimony to reduce the amount of those claims, although he knew that they were in excess of the value of the vessels. As a result he appealed to American sealers whose own vessles had been seized and confiscated, and they furnished him with testimony by which he reduced the amount of the claims of the British sealers from $1,289,000 to $467,000. He said that these men went over there and gave this testimony even at the peril of their lives, because the sentiment was very strong against them.

The Senator from Alabama [Mr. MORGAN] made the report from the Committee on Foreign Relations, in which he very earnestly urges the passage of this bill. I have called it up because on the Pacific coast there is a strong sentiment in favor of the enactment of the bill, as many of their people have suffered by reason of these seizures and because I understand the senior Senator from Alabama [Mr. MORGAN] is anxious that it shall be passed; but I, of course, will not insist on it at this time if objection be made. I have made this statement in order that the Senate may understand the merits and equities of the bill.

Mr. SPOONER. I should like to make an inquiry of the Senator from Oregon. What exigency is there in this litigation, if any, which requires that an act of Congress shall make competent as evidence documents which otherwise would not be competent in courts of the United States?

Mr. FULTON. To what part of the bill does the Senator refer?

Mr. SPOONER. The bill provides:

That in considering the merits of claims presented to the court hereunder any evidence, affidavits, reports of officers, and such other papers as are now on file in the Departments of the Government of the United States shall be considered by the court as competent evidence.

Mr. FULTON. I have not gone into the details in that respect. The bill was before the Committee on Foreign Relations and they seemed to think that a proper provision and so reported it. I have not examined into the character of the testimony to find what proof this would afford. As to that I do not know.

Mr. SPOONER. That provision would render competent possibly a great many affidavits against the Government when there would be no opportunity to cross-examine witnesses.

Mr. FULTON. The court would take them for only what they were worth. These claims are to be presented to a judicial tribunal.

Mr. SPOONER. They would not be worth anything——

Mr. FULTON. Then the court would not consider them.

Mr. SPOONER. They would not be worth anything in court except for this provision.

Mr. FULTON. They would be admissible with this provision, but they might not have much influence with the court. It simply allows them to be presented. I do not pretend to know how many of those affidavits there are, or what is their character, but this very competent committee investigated it and reported the bill with that provision.

Mr. SPOONER. I am on that committee, and so——

Mr. FULTON. That is the reason particularly why I said it was a very competent committee.

Mr. SPOONER. The Senator admits that it was a competent committee?

Mr. FULTON. I can prove that.

The PRESIDING OFFICER. The Chair understands that objection is made to the bill, and under Rule VIII it will go over.

Mr. FORAKER. I do not understand that anyone objected.

The PRESIDING OFFICER. The senior Senator from Illinois [Mr. CULLOM] objected.

Mr. FORAKER. He simply called attention to the absence of the Senator from Alabama [Mr. MORGAN].

Mr. CULLOM. Mr. President, I desire to be set right on that point. At the time I objected I was not aware that the Senator from Alabama had expressed any desire that the bill should be taken up in his absence, and feeling that he perhaps knew more about the details of the whole measure than anyone else, I thought it would be unfair to him to take it up and consider it now, when perhaps if he were here he might be of great value to the Senate in the understanding of the bill itself. If there is no other objection to the consideration of the bill now, I am sure I shall not stand in the way in the light of what has been said in reference to the wish of the Senator from Alabama.

The PRESIDING OFFICER. The objection being withdrawn, the bill is before the Senate as in Committee of the Whole.

Mr. FORAKER. Mr. President, I wish to say that the bill is brought up now, as I understand it, at the request of the Senator from Alabama. I received a message from him at the hands of the senior Senator from California, who had received a letter from him asking me to assist in taking the matter up. I think it is such a measure that if anything is to be done with it in the Senate it ought to be passed without any further delay.

This measure was well considered, I think I can say, in the Committee on Foreign Relations. There is a report filed here, showing the usual care the Senator from Alabama takes in regard to such matters, and that report expresses, I understand, the opinion entertained by the committee as a whole at the time the bill was under consideration.

The Senator from Wisconsin raised a question about the provision as to evidence. That provision might be stricken out. It was thought it might be objectionable, but the committee did not object to it, as the report of the bill with that provision in it shows. The provision is simply that all documentary evidence on file in the State Department may be allowed to be introduced as evidence and be given such weight as the court may deem it entitled to receive. If it is incompetent evidence I do not suppose the court would give it much weight. All I can say as to the views of the Senator from Alabama in regard to the report of the committee on that provision is to quote

from the report. He refers to that provision in the last paragraph of his report, as follows:

The rulings of the commission of 1896, that made the awards in favor of British subjects, are worthy of consideration by the circuit court as to the measure of damages and the proper scope of inquiry as to the right of compensation to be considered by the court, lest the committee doubt the propriety of adopting them by act of Congress, and recommend the amendment of the bill as to that and some other features that do not materially affect the equitable and just right of the claimants to the relief they seek.

It is really done, as suggested by the Senator from Massachusetts [Mr. LODGE] who sits just in front of me, to protect our own Government, in order that the court may have the benefit of all the documents placed on file. I think the suggestion made in the committee originally, when we left that provision in the bill, was that by it the court might have the benefit of whatever was filed in the State Department in helping them to reach a just conclusion.

Mr. SPOONER. I suppose these are affidavits by the parties as to the value of vessels, and all that.

Mr. LODGE. As to the value of the British ships.

Mr. FORAKER. No claim was ever made as to the American ships.

Mr. LODGE. There has been no evidence introduced about American ships. Without this evidence introduced about the British ships that testimony would not be before the court, as I understand it.

Mr. FORAKER. The official proceeding or investigation at Victoria was as to the amount of damages this Government should pay to the British claimants because of the wrongful seizure, and all this testimony relates to that seizure and to the value of ships of that character.

Mr. SPOONER. Does the Senator from Ohio know that?

Mr. FORAKER. I know that was the statement before the committee, and I know there was no law authorizing any American to make a claim. No American has ever been allowed to make a claim to the State Department or any other Department for the seizure of his ship under the order. The reason for that, I understand, is that our Government, taking the position that that was a closed sea, held it to be a violation of our statute as to pelagic sealing to take seal anywhere within the sea, outside of the 3-mile limit or within the 3-mile limit; and because it was held to be a violation of a statute on that account, treating it as a closed sea, they were never allowed to make any claim, and they never have made any claim.

They are to be allowed now simply to go into a court of the United States and by presenting a petition there set up their claims. They have to prove it by competent testimony. This provision was thought necessary by the committee. I had forgotten the exact reason for it; it was a long time ago when we considered this measure; but the Senator from Massachusetts has suggested it. It was thought by the committee to be entirely proper that these documentary evidences on the general subjects should be available for the court for whatever they might be worth.

Mr. CULLOM. I remember distinctly the statement was made in the committee that the court ought to have the right to look at these documents in the State Department in order that the Government itself might be protected as far as possible.

Mr. SPOONER. Let the bill go over for the present.

Mr. FORAKER. While I am on this subject, if the Senator from Wisconsin will allow me to call attention to it, it is stated in the report that the claims of citizens of the United States have never been presented before any tribunal.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Objection being made to the consideration of the bill, it will go over.

Mr. LODGE. I hope objection will not be made.

Mr. SPOONER. I think there is no question whatever about the merits of this bill. I think we should give our citizens the opportunity to go into the courts of the United States to make their proofs of loss and that we should provide for the payment of such judgments as may be rendered by the courts, but I think the interest of the Government ought to be properly safeguarded. I have been advised of no good reason thus far why, in this proposed act, which is drawn for the benefit of claimants, Congress should make competent as evidence affidavits, reports, and things of that kind which would not otherwise be evidence. These claimants would have a right under this bill to introduce as evidence affidavits, etc.

Mr. FULTON. Will the Senator from Wisconsin allow me to make a suggestion to him?

Mr. SPOONER. Certainly.

Mr. FULTON. Why not eliminate that portion of the bill?

Mr. SPOONER. That is what I want to eliminate.

Mr. FULTON. Unless the bill is promptly passed it will not pass at this session of Congress, and American citizens who have sustained such losses will not get the benefit of its provisions. I think we can correct this. I understand the Senator from Wisconsin desires only to have proper evidence considered. Why not amend the language by saying "that it may be considered so far as it may furnish evidence against the claimant, but not in support of the claims?"

Mr. SPOONER. Then the early part of the section and the latter part would be inconsistent with each other.

Mr. FORAKER. No; we eliminate that, of course. Section 6, on page 5, might be amended so as to read, "shall be considered by the court in so far as it may be considered competent;" and stop there.

Mr. SPOONER. I have not the slightest objection to that.

Mr. FULTON. I see no objection to saying that it be considered, so far as it may furnish evidence against the claimant.

Mr. SPOONER. Would that be fair?

Mr. FULTON. They can furnish their own testimony, I suppose.

Mr. SPOONER. The Government ought to meet their testimony by evidence.

Mr. FORAKER. I move to amend that section by inserting in line 17, after the word "court," the words "in so far as the same may be;" so as to read, "in so far as the same may be considered competent evidence;" striking out the word "as."

The PRESIDING OFFICER. The Chair understands that objection has been made to the further consideration of the bill.

Mr. SPOONER. I do not wish to delay this bill unless Senators insist upon making affidavits purely ex parte of parties who may be dead or beyond reach of cross-examination competent evidence. I am not in favor in a bill of this character or any other, where we give the right to sue in the Federal courts, of providing that evidence which is not common law evidence and would not be admissible against the Government shall be by statute made so.

The PRESIDING OFFICER. If objection be withdrawn, the bill will be considered as before the Senate as in Committee of the Whole, and the amendments reported by the committee will be stated.

Mr. SPOONER. We are considering it now, if the Chair will permit me.

Mr. PETTUS. I think objection was made by the Senator from Georgia [Mr. BACON] to the consideration of the bill.

Mr. BACON. No; the Senator is mistaken about that.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] objected; and if the objection is not withdrawn, the bill, under Rule VIII, will go over.

Mr. FORAKER. I understand the Senator from Wisconsin does not object to the consideration of the bill if it be amended as he suggests.

Mr. SPOONER. No; I do not.

Mr. PETTUS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill has gone over.

CAPT. ARCHIBALD W. BUTT.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Capt. Archibald W. Butt, quartermaster, United States Army, $480, the amount stolen from the United States in Manila, P. I., by an employee of the quartermaster's department, by name José B. Luciano, Capt. Archibald W. Butt having fully paid the sum to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. PETTUS. I desire to give notice that the senior Senator from Alabama [Mr. MORGAN] desires to be heard upon the regular order of business, the statehood bill, on Monday next, when that bill is taken up.

THOMAS C. SWEENEY.

Mr. SCOTT. I ask unanimous consent for the consideration at this time of the bill (S. 4260) for the relief of Thomas C. Sweeney.

Mr. LODGE. Mr. President, has morning business closed?

The PRESIDING OFFICER. The morning business has closed, and the Chair announced that the Senate would proceed with the consideration of the Calendar under Rule VIII.

Mr. LODGE. I shall not interfere with this bill, but after it shall have been disposed of I shall ask for the regular order.

The PRESIDING OFFICER. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill.

Mr. LODGE. Is there a report in that case, Mr. President?

Mr. SCOTT. There is; but it is quite a lengthy report. If the Senator will allow me, I think I can explain the purport of the bill in a minute.

The claim has been before the Senate and before the Court of Claims and has been allowed by the Court of Claims. The amount of money due Mr. Sweeney is $10,040, and if interest were allowed it would be much more. That amount the Court of Claims allowed him; but I have succeeded in getting Mr. Sweeney to agree to settle the claim for $5,000. For that reason the bill was put in the form in which it now appears. The Secretary read it as being for $10,040, but there is an amendment reducing the amount to $5,000. The Senator from Nevada [Mr. STEWART] will say that it was a mistake in putting in the amount at $10,040.

The PRESIDING OFFICER. The Chair is informed that there is an amendment reported by the Committee on Claims to the bill. Is there objection to the present consideration of the bill?

Mr. LODGE. The bill is not even here, Mr. President.

Mr. SCOTT. I think the bill is here, Mr. President, and the Senator can have the report read if he desires.

Mr. LODGE. I think the bill is not here.

Mr. SCOTT. The bill has heretofore been before the Senate and the House of Representatives and passed. It has also been before the Court of Claims and has been allowed by that court.

Mr. LODGE. My point is simply that the bill was reported yesterday and has not yet been received from the printer.

The PRESIDING OFFICER. The Chair is informed that there is a copy of the bill at the desk.

Mr. SCOTT. My reason for asking for the immediate consideration of the bill is that I may get it incorporated in the omnibus claims bill, which was reported by the Senator from Wyoming [Mr. WARREN]. This bill has been hanging for years. It is a just bill, and, as I have said, has been passed upon by the Court of Claims. I am sorry that any Senator should object to the very reasonable consideration here proposed.

Mr. LODGE. Mr. President, I do not object to the consideration of the bill; but I want to know something about it, even if I have to ask for the reading of the report.

Mr. WARREN. Mr. President, I would say that this claim would have been included in the omnibus claims bill except for the rule which requires that that bill shall only include such matters as have already passed one or the other or both Houses. This bill would be eligible, if it should pass the Senate at this time, to be placed on the omnibus claims bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "ten thousand and forty" and insert "five thousand."

The amendment was agreed to.

Mr. ALLISON. Now, Mr. President, let the bill be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That there be paid to Thomas C. Sweeney, of Wheeling, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPERTY LOST IN MILITARY SERVICE.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 3828) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States, which has heretofore been passed over on the Calendar.

Mr. LODGE. That, I understand, is a bill which was passed over when heretofore reached on the Calendar, and I shall not, therefore, include it in my objection.

The PRESIDING OFFICER. The Chair is so informed. The bill will be read for the information of the Senate, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been lost or destroyed in the military service since the 21st day of April, 1898, without fault or negligence on the part of said officers and men, and the reimbursement of which is not provided for by any existing law; and the amount of such loss or destruction so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full compensation for all such loss or destruction: *Provided*, That any claim which shall be presented and acted on under the authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That the liability of the Government under this act shall be limited to such personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or enlisted man while engaged in the public service, in the line of duty; but such liability shall not include property lost by theft, or destroyed by use, or lost in action, or horses which died from natural causes, or the property of officers left for their own convenience in buildings owned or hired by the Government: *And provided further*, That all claims within the scope of this act shall be presented within two years from the passage of this act, and that all such claims filed thereafter shall be forever barred.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I desire to ask the Senator having the bill in charge if it is intended only to reach cases where losses have already occurred or is it to be a continuing act?

Mr. PROCTOR. It is not a continuing act, as I interpret it, but I am perfectly willing to have it amended by inserting the word "heretofore."

Mr. ALLISON. I think, for safety, that word should be inserted.

Mr. PROCTOR. I move to amend the bill on page 1, line 7, by inserting the word "heretofore" after the word "has."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. PROCTOR].

Mr. PROCTOR. Mr. President——

Mr. ALLISON. If I may interrupt the Senator, I think the words which already appear in the bill will accomplish the purpose I had in mind. I did not notice them at first.

Mr. PROCTOR. I think so, too, and I therefore withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ALLISON. The only object I had, Mr. President, was to guard against this bill being a permanent statute.

Mr. PROCTOR. The only claim, Mr. President, which I know of that has arisen is in regard to property lost in the Galveston flood. The Comptroller ruled that the present statute of March 3, 1885, which covers cases of property lost by fire, although fire is not specified, did not apply to the case intended to be reached by this bill. I think the existing statute would bear the interpretation that it would cover even the Galveston flood case, but the Comptroller decided against it. So far as I know that is the only case which has arisen.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASHTABULA HARBOR, OHIO.

Mr. LODGE. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The first bill on the Calendar will be stated.

The bill (S. 4161) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that of the money appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio, in the act approved June 13, 1902, entitled "An act making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so much as may, in the discretion of the Secretary of War, be deemed desirable may be expended in the extension of the west breakwater.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING EXPERIMENT STATIONS.

The PRESIDING OFFICER. The Chair will state that the Secretary read the second bill on the Calendar instead of the first.

Mr. LODGE. The first bill ought to go over. I object to it.

The PRESIDING OFFICER. The Chair is informed that Calendar No. 793, being the bill (S. 271) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, went over, but it does not so appear on the printed Calendar.

Mr. TELLER. Mr. President, what was done with Senate bill 271?

The PRESIDING OFFICER. The Chair is informed that it went over when the Calendar was last under consideration, and,

by error, it is printed in the Calendar to-day at the head of the list.

Mr. TELLER. I am glad to know what has happened, because we did not know anything about it over here. It was impossible to hear what was being said.

OBSOLETE ORDNANCE AND ORDNANCE STORES.

The bill (S. 4378) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to issue such obsolete ordnance and ordnance stores as may be avilable to State and Territorial educational institutions for purposes of drill and instruction of students.

Mr. TELLER. Mr. President, I should like to have the chairman of the committee who reported this bill tell us what kind of stores the bill refers to. I could not catch the information from the reading of the bill.

Mr. PROCTOR. I would ask, Mr. President, as perhaps the shortest answer to that, to have read the letter of Secretary Root as it appears in the report of the committee. It is very brief.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, December 23, 1903.

SIR: I have the honor to transmit herewith a General Staff report relating to the issue of obsolete ordnance and ordnance stores for the use of State and Territorial educational institutions and recommending legislation upon lines which, for greater convenience, have been thrown into the form of a draft bill. The recommendation of the General Staff has my hearty approval, and I hope that it will receive the favorable consideration of Congress. The United States has now begun the manufacture of the new service rifle, model of 1903. It has in the hands of regular troops 111,764; in the hands of the organized militia, 96,353, and in reserve, 227,824 (total, 435,941) service rifles and carbines, all models (1896, 1898, 1899), commonly known as the Krag-Jörgensen. It has also on hand available for issue 101,190 of the old Springfields (rifles, model 1879, 23,620; model 1884, 62,350; model 1888, 11,187; carbines, 4,033), besides about 50,000 not yet turned in from the militia and a number in the hands of the Philippine Scouts.

We have not yet enough of newer models to consider the Springfields obsolete, but they will soon become so, and in the meantime several thousand of older models on hand can be used under the proposed legislation for the purpose of military training in the schools of the country other than those to which details of military officers are made. Such training will be of material value, and I have no question that the proposed use of the old rifles will be of much greater military value than keeping them in store or selling them for the trifling price which could be realized.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF GEORGE W. SOULE.

The bill (S. 559) for the relief of the legal representatives of George W. Soule was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that this bill has already been read.

Mr. COCKRELL. Let it be read again.

Mr. ALLISON. I suggest that the bill be again read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, which had been reported by the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of $31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of $31,500 being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims, of every description whatever, on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,500 for the purposes specified in this act.

Mr. TELLER. If there is a report in this case, I should like to have it read.

Mr. ALLISON. I ask that the bill may go over.

The PRESIDING OFFICER. Objection being made, the bill will go over under the rule, without prejudice.

Mr. TELLER. Mr. President——

Mr. ALLISON. Does the Senator from Colorado desire to have the report read?

Mr. TELLER. I wish to ask the Senator from Iowa if he will not withdraw his objection. Here is an old claim; it is very old; it has been before the committee again and again; and I think if the report is read the bill will probably go through without any objection.

Mr. LODGE. The report is a very long one.

Mr. TELLER. It has been a long time since the Government took this man's property——

Mr. GALLINGER. That is right; half a century.

Mr. TELLER. More than fifty years; and more than one committee has declared that he was entitled to remuneration. I do not desire to discuss the bill, if it is objected to, but it seems to me the fact that the report is a long one ought not to make any difference.

Mr. LODGE. I have no objection to the bill. I think it ought to pass.

Mr. TELLER. If the objection is——

Mr. ALLISON. I do not know whether it should pass or not. It seems to be a very old claim, and it struck me that if it has waited fifty years, it might wait a day or two longer. That is the reason why I objected; but if it is so pressing, I will withdraw my objection temporarily that the Senator from Colorado may explain the bill.

Mr. TELLER. I could not explain from memory the exact details in this case, but I remember it was before the Committee on Claims again and again. If the report is read, I believe it will be satisfactory. If the Senator from Iowa is not then satisfied, he can object.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report, submitted by Mr. BURNHAM February 18, 1904, as follows:

The Committee on Claims, to whom was referred the bill (S. 559) for the relief of the legal representatives of George W. Soule, have given the same a careful consideration and beg leave to submit the following report:

The material facts upon which this claim is based have been shown by statements under oath and by letters and other evidence specifically referred to.

George W. Soule, of whose last will and testament Ephraim Hunt and Julia M. Hunt are the executors, was in 1850 a citizen of New York in good circumstances and of high standing in his business and social relations. Early in 1851 he went to San Francisco, Cal., and was one of the pioneers in that locality. Large tracts of land within the limits of that city, partly above the high-water mark of the bay of San Francisco and partly between high and low water mark, were then unoccupied. The title to much of this land was unknown and was not ascertained until some years after, when it was determined by legislation and the decisions of the courts.

Many of the early settlers took possession of this land without a title and erected thereon houses and business blocks, and thus laid the foundations of a part of the city. In no other way could the city have been so rapidly built up. To have waited until titles could be ascertained and secured would have resulted in long delay and a hindrance to the growth of the city.

The possessory rights thus obtained were generally confirmed, and the payments, if any were made, were only nominal.

By an ordinance known as the Van Ness ordinance, approved June 20, 1855, and thereafter duly ratified, the city of San Francisco gave full title to those who had such rights. The material parts of this ordinance were as follows:

"SEC. 2. The city of San Francisco hereby relinquishes and grants all the right and claim of the city to the lands within the corporate limits to the parties in the actual possession thereof, by themselves or tenants, on or before the 1st day of January, A. D. 1855, and to their heirs and assigns forever * * * *Provided*, Such possession has been continued up to the time of the introduction of this ordinance in the common council; or, if interrupted by an intruder or trespasser, has been or may be recovered by legal process."

Mr. Soule took possession early in 1851 of one of these unoccupied lots of land. It was a lot 275 feet square and was bounded north by Jackson street, east by Battery street, south by Washington street, and west by Sansome street.

Much the greater part of this lot, but probably not all of it, was tideland between high and low watermark.

In June, July, and August, 1851, Mr. Soule erected on the easterly side of this lot six stores, fronting for a distance of 125 feet on Jackson street, at an expense of $31,500.

While erecting these stores, or soon after their completion, in the same year, he obtained an alcalde grant, as it was called, and also sundry other conveyances in the usual form from different grantors for different parts of said real estate, but it does not appear that any of these grantors other than the alcalde had a title to any of the land which their deeds purported to convey, or any authority to make such conveyances. Mr. Soule states that the parties from whom he received these deeds said they owned the property, and he gives that as the reason for his obtaining these conveyances.

Mr. Soule continued in undisturbed and peaceable possession of this property and collected the rents from his six stores, which amounted to $1,800 a month, until he was dispossessed as hereinafter stated. He held all the title he was then able to secure, and his possession and rights were no different from those of all others who claimed and possessed land in that vicinity.

He occupied this land and erected his six stores thereon in good faith and with a reasonable expectation that what was wanting in his title he would be able to secure whenever it was ascertained and determined by the courts or by legislation who were in fact the legal owners of the land.

He paid taxes to the city of San Francisco, doubtless assessed on

account of this lot, and the city in this way recognized his interest in the property.

Mr. Soule was in the full enjoyment of his property and of the rents derived therefrom, with no one, so far as he knew, claiming a better title, when in the month of September, 1852, he was ousted by the Government of the United States. The facts relating to this seizure by the Government are stated, as follows, in the opinion of the Court of Claims filed June 6, 1892, when, this claim having been presented and heard, it was determined that the court had no jurisdiction:

"III. That in the month of September, 1852, T. Butler King, at that time collector of customs at the port of San Francisco, notified the claimant that the Government of the United States, by its proper officers, had decided to erect a custom-house on said premises and, without apparent authority, demanded of claimant the possession of said premises and improvements; that thereupon claimant refused to deliver possession of said premises so demanded, whereupon said King, collector as aforesaid, notified the claimant that he would take possession of said premises and improvements and at the same time advised and counseled said claimant to deliver to him, said King, collector as aforesaid, under protest, the possession of said premises and sue the collector; that Congress had appropriated and would appropriate money to pay property owners for property taken upon which to erect a custom-house, and thereupon the said claimant delivered to said King, collector as aforesaid, a protest of some kind in writing, and without removing or attempting to remove said stores he had erected thereon, yielded possession of said premises."

It appears from the finding and from other evidence that Mr. Soule, relying upon the advice and counsel of the collector, a high Government official, and upon the statement that Congress had appropriated and would appropriate money to pay property owners for property taken upon which to erect a custom-house, yielded up to this collector possession of the entire lot of land and the buildings he had erected thereon.

Thus the Government, through its collector of customs, without the shadow of a claim to this property, without legal proceedings of condemnation, and without compensation of any kind, compelled him to surrender the possession of this property.

It is true that Mr. Soule might have refused to deliver up possession to the Government, but he relied, as other men would under the same circumstances, upon the assurances of this Government official.

He filed a protest in writing, as advised, and doubtless believed that out of the money which the collector informed him had been or would be appropriated by Congress for this purpose he would be fully compensated.

This property was taken by the Government for its own use as a site for a custom-house, and not by the State of California or the city of San Francisco, and so this claim is made against the Government.

The custom-house was erected upon the lot of land which had been, as above stated, in the possession of Mr. Soule and has remained there to this date. His buildings were taken down and removed by the Government and he was thus deprived of land, the title to which in all probability would have been confirmed to him, and of buildings from which he was then deriving a very substantial income.

The Government had no legal title whatever to this land until two years after, on the 5th of September, 1854, when it obtained a deed from the State of California—a deed which conveyed the use of this land as a site for a custom-house—with a reversion to the State whenever it ceased to be used for that purpose. The full title, so far as the State could give a title, was not obtained by the United States until a second deed was given by the State on the 1st day of May, 1868.

The Government, while neglecting to make any provision for payment to Mr. Soule, did recognize and admit the existence of these possessory rights by the act of August 4, 1854. (10 Stat. L., 559.) By that act $10,000 was appropriated for the extinguishment of two private claims to the possession of a small part of the Soule land. These two claimants, Lyons and Hastings, could have had no greater right or better title than Soule, yet the Government paid to each of them the sum of $5,000. Neither had made any improvements on their water lots nor was either in possession of any part of the Soule lot when Soule commenced his occupation and the erection of his buildings.

The facts in regard to this payment by the Government are stated in the following letter from the Acting Secretary of the Treasury, Hon. O. L. Spaulding, to Hon. Henry W. Blair, dated February 19, 1902:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 19, 1902.

SIR: In reply to your letter of the 24th ultimo, relative to any payments made to individuals in connection with the custom-house site in San Francisco, I have the honor to advise you as follows:

By the act of August 4, 1854 (10 Stat. L., p. 559), the sum of $10,000 was appropriated for the extinguishment of private claims to the possession of the custom-house lot in San Francisco, and the Auditor for the Treasury Department, to whom the matter was referred for report as to the disbursement of the above-named sum, reports, under date of February 18, 1902, as follows:

The $10,000 in question was disbursed as follows: $5,000 was paid to Henry A. Lyons for relinquishment of all his right, title, and interest in and to water lot No. 78, and $5,000 was paid to S. C. Hastings for relinquishment of all his right, title, and interest in and to water lot No. 79. The two lots in question formed part of the block on which the custom-house at San Francisco, Cal., was then (1854) being built. Deeds to said lots were recorded in the office of the recorder of San Francisco County, sent to this Office November 14, 1854, and transmitted to the First Comptroller December 11, 1854.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

Hon. HENRY W. BLAIR,
213 East Capitol Street, Washington, D. C.

A claim for damages amounting to $133,200 was presented to the Forty-eighth Congress, which claim included the cost of the buildings—$31,500—and the title of the land on which the same were standing. An adverse report from the Committee on Claims of the House was submitted at that time.

A letter from the Secretary of the Treasury, dated February 28, 1884, annexed as a part of that report, states that no reference to Mr. Soule's claim is found in the accounts, records, or correspondence of the Department.

The House report seems to have been based on the fact that Mr. Soule did not prove any title to the premises.

This claim was again presented to the House of Representatives in the Forty-ninth Congress, but no action was taken from the fact that during that Congress an act was passed giving enlarged jurisdiction to the Court of Claims, and it was believed by the claimant that, under its increased powers, the court would have jurisdiction of his claim. In due time the claim was presented to the court, which, after a hearing in the case, known as No. 15702, returned a finding of facts June 6, 1892, but decided, as a conclusion of law upon those facts, that it had no jurisdiction of the claimant's action. The petition was accordingly dismissed.

This conclusion was upon the ground that the action was not based upon a contract, but was an action sounding in tort, and therefore not within the jurisdiction of the court.

An appeal was taken, but was not prosecuted on account of the inability of the claimant's executors, the claimant having previously died, to provide the means and procure the evidence for its further prosecution.

There were no other proceedings in this matter until a bill was presented to the Fifty-seventh Congress, but no action was taken in that Congress. In the present Congress bills have been presented both in the Senate and House in favor of the claimants.

The Government at the time it took possession of Soule's land and buildings had no title whatever and no right, by condemnation proceedings or otherwise, to oust Soule from his possession. He was until then in the undisturbed occupation of this land and the buildings he had erected thereon. For sixteen months he had held possession and his right to continue peaceable occupation was good except against one who had a better title. This superior right the Government did not have.

The advantage to the Government by its ejection of Mr. Soule was very considerable. It obtained immediate possession and avoided the expense and delay of legal proceedings. It also secured the property for much less than its real value.

It was decided by the courts that the State of California held the title to tide lands between high and low water mark. A considerable part, but perhaps not all, of the Soule land was between these marks, and when, two years after the Government took possession of this land, it was decided to purchase this tide land from the State, agents agreed upon by both parties reported the value of the land to be $300,000. The Government paid the State, upon the grant of the use and occupation of this land, as above stated, September 5, 1854, only the sum of $150,000. At a subsequent date, May 1, 1868, the Government paid the State another $150,000 for all the right, title, and interest of the State in and to the land in question. In the meantime the property had greatly increased in value and the total amount paid by the Government was much less than the real value of the property.

The loss to Mr. Soule by this eviction on the part of the Government was very large in amount, and the consequences of this action were ruinous to the financial interests of the claimant and his family.

Directly he lost the full amount of the cost of his buildings, which, by conclusive evidence, is shown to have been $31,500. In addition he lost the rents of the buildings, which at that time amounted to $21,600 a year. If he had remained in possession of these buildings during the two years between the taking by the Government and its securing a title from the State on the 5th of September, 1854, he would have received from that source of income $43,200.

If the Government had taken the usual means of securing title to the property under the right of eminent domain there would have been the long delays incident to such proceedings, and during that time Mr. Soule would have been in possession, and in all probability would have received a large amount from the rentals of these buildings; and if he had not been dispossessed by the Government he would have been, so far as his interests in this property were concerned, in no different position from that of a large number who took possession of land in San Francisco, as he did, and whose titles were confirmed to them by the Van Ness ordinance.

The loss to him on this account may be said to be conjectural; but no reason is suggested why he, if undisturbed by the Government, would not have shared in the benefits of this confirmation of title, as did many and perhaps all others who had taken possession of land, as he did, in that new and rapidly growing city. The amount of damages he thus sustained would be difficult to estimate; but some impression may be gained from the amount actually paid by the Government for the title of the State.

The committee has considered the question of delay in the prosecution of this claim.

It has been judicially settled by the decision of the Court of Claims above referred to that there has never been any remedy for Mr. Soule except through action of Congress.

It appears from the letter of Ephraim Hunt, one of the executors of his will, to Hon. Henry W. Blair, dated November 30, 1902, a copy of which is hereto annexed and marked "Exhibit A," that soon after the Government seized his property Mr. Soule was prostrated by a severe illness and was carried on a stretcher aboard a steamer which brought him home. Some time in 1853, against the advice of his physician, he returned to look after his affairs and remained until January, 1855. Again he suffered from illness and for several years his health was completely broken.

In the meantime his witnesses had gone, a change of administration had brought into office a new collector and other new officials, and a little later the former collector, Mr. King, died.

In December, 1852, Mr. Soule put all the papers relating to this property, including his deeds and a copy of the protest delivered to Collector King, into the hands of Mr. James E. Wainwright, and when he returned, in 1853, he learned that Mr. Wainwright had gone to Japan and was dead. Mr. Soule was never able to find any of these papers.

Some time during the sixties he began to search for his witnesses, but he was still in poor health and but little, if anything, was accomplished.

The civil war and the difficulties to be overcome, arising in part from the long distance across the continent and the expense and delay of communication before the building of a transcontinental railroad, his continued ill health, and want of means may account for his not prosecuting the claim during a considerable period after the loss of his property.

He had become impoverished, and from 1872 until his death was in the care of Mr. and Mrs. Hunt, the executors, either in their own home or elsewhere.

It appears from a letter written by Mr. Hunt to Hon. Henry W. Blair, dated November 23, 1903, a copy of which is hereto annexed and marked Exhbit B, that it was not until the seventies that he had succeeded in getting together some of the papers to establish his claim.

He was, then, as this letter states, "sick again, to death's door, given over by the doctors, pronounced incurable." His disease would naturally result, as therein stated, in his being "completely broken in health and spirit."

He, however, partially recovered and, in 1881, secured the assistance of counsel and presented his claim to Congress.

The effort to secure favorable action upon this claim appears to have been continuous from that time up to the date of the decision of the Court of Claims, June 6, 1892.

An appeal was taken from this decision, but was not prosecuted from lack of means. Mr. Soule had died before the decision was filed, the papers were again lost through no fault of the executors; two agents, or attorneys, upon whom they relied, one in Washington, D. C., and another in Lebanon, N. H., had died, and the executors were without means. They afterwards were enabled to secure other assistance, and presented their claim to the Fifty-seventh Congress.

The facts last stated appear in a letter from Mr. Hunt to Hon. Henry W. Blair, dated January 2, 1903, a copy of which is hereto annexed, and marked "Exhibit C."

The committee finds, under the circumstances that have appeared in this case, that there have not been such laches or neglect on the part of Mr. Soule or his executors as to justify a denial of the claim upon that ground.

The State of California owned the tideland, as above stated, and conveyed that part of the land in question to the Government, but it is claimed by the counsel for Mr. and Mrs. Hunt that a strip of land bordering on Jackson street was above high-water mark and that this strip was never conveyed to the Government, but now belongs of right to the heirs of Mr. Soule under his alcalde grant.

The bill as amended provides that the payment of the sum hereinafter named shall be in full discharge of all claims against the United States of any description in favor of said Soule, his heirs and legal representatives.

In view of the possible claim that might be made to a part of the land in question and in view of the great advantage the Government has derived from its unauthorized act in taking possession of the property and of the great and irreparable loss to Mr. Soule, his heirs, and legal representatives, occasioned by this act, the committee has found that the claimants should be paid the sum of $31,500.

The taking of this property by the Government without legal right, the great equities in the case in favor of the claimants, and the serious results to the claimant and his family, by which they have become impoverished and deprived of the means of more seasonably prosecuting their claim, would seem to justify the payment of a much larger amount than is allowed by the amended bill.

The committee, however, after a careful consideration of the evidence and of all the circumstances surrounding the claim, have concluded to eliminate all that part of the claim which might be regarded as uncertain or too remote, and have allowed only the amount that has been clearly established as the cost of the buildings which the Government took from Mr. Soule and destroyed, and for which no compensation was ever made.

The committee therefore recommend the passage of the bill when amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ephraim Hunt and Julia M. Hunt, executors of the last will and testament of George W. Soule, deceased, the sum of $31,500, for loss and damage sustained by said George W. Soule by reason of the seizure and appropriation, against his protest, for public purposes, by the collector of customs of San Francisco, Cal., in the year 1852, in the erection of the custom-house of the United States, of six stores, the property of said Soule, situate upon a certain square of land in the city of San Francisco, by him then occupied under claim of title, and being the same land whereon said custom-house was erected, said sum of $31,500 being the cost to said Soule of the erection of said stores in the year 1851; and said sum of money shall be in full payment and discharge of all claims of every description whatever on behalf of the estate of said George W. Soule, his heirs and legal representatives, against the United States.

"SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,500 for the purposes specified in this act."

EXHIBIT A.

GRAFTON CENTER, N. H., *November 30, 1902.*

MY DEAR SIR: Mr. Soule went to California late in 1849 and was an importer direct from the producers of French wines and brandies.

That is why he had to do with T. Butler King, collector of the port, and whom he had previously known. He had prospered, and, having erected his stores on unoccupied land, supposed he had all the rights of "the squatter," and, with his rents and his own business, was on the high road to great wealth, as he supposed.

But when the Government seized his stores, reduced in strength from a robust health, he was prostrated by the loss of his income, and, given over by the doctors, was carried on a stretcher hastily aboard a steamer just ready to sail, without "bag or baggage."

His sickness extended far into 1853, but, improving somewhat, he ventured to return to look after his affairs against the advice of doctors and friends. He remained until January, 1855, having been absent one year and three months, or thereabouts.

Ill health and great anxiety about his unsettled affairs in San Francisco brought back his illness, complicated with diseases incident to change of climate and crossing the Isthmus, and his health was completely broken for several years.

His other business affairs and the scattering of all his tenants to the four quarters of the globe made it impossible to touch his claim against the Government. As he thought that was so just and clear a case, he attended as far as he was able to his other affairs.

Meantime his own baggage, left at San Francisco, and also Collector King's, had both gone astray to Honolulu or Australia, or nobody ever knew where.

Mr. King's death about the same time still further embarrassed the case, and it was not until the sixties that he rallied enough to begin the search for his witnesses (tenants), who were speculators—here to-day and in Australia or China to-morrow. The seizure of the stores had scattered them.

He started to recover his claim from the Government before he had recovered his health and finances. During his long sickness my wife's property sustained himself and family.

From 1872 until his death they were in our care, either in our own house or in a rent provided by us.

All through his life he had the most abiding faith that the Government would finally do him justice and pay him for the stores and land.

And on the last day of his life he said to my wife: "I shall not get it, but you will—it is yours, and you deserve it."

I can say no more and only this, because it was so well known to members of the family.

Yours, truly,

E. HUNT.

Hon. H. W. BLAIR.

If you and Mr. Currier think best for Mrs. Hunt to go to Washington, she might be able to get enough or half enough to start.

E. H.

EXHIBIT B.

UNION VILLAGE, VT., *November 23, 1903.*

DEAR SIR: Am in receipt of yours of the 18th. I should like, of course, to come to Washington, but absolutely have no money to enable me to do so.

Have income of barely 65 cents a day for five (5) persons.

In your clear statement of the case you have relied upon the "argumentum ad judiciam." That is right. As to the age of the claim, some two or three years ago Congress allowed a claim for "property destroyed" one hundred and one years before to the very remote heirs of George Washington.

Our claim is for property still in existence, and of increased value, and a squatter's right is "adscriptus glebae" and never dies, and Senator Hoar as a profound and learned jurist knows this.

You say, Why delay of thirty years? There was no such delay. As has been said, Mr. Soule returned to California against advice of doctors and came home in 1853 and had a long sickness of several years, and was not able to attend to business affairs until 1861, and then a four years' war, from a kind of inherited patriotism, delayed any demand upon the Government, overburdened with expenses, and not until the seventies had he succeeded in getting together some of the papers to establish his claim.

He was then sick again, to death's door, given over by the doctors, pronounced incurable—trouble with bladder and kidneys—had to use the catheter for twenty years, last five or six by the aid of physician. As one can see, he was completely broken in health and spirit.

But after resting three years in Reading at my expense he rallied and again tried to earn something to support his family and at the same time prepare his claim, and, like "Duos qui sequitur lepores, neutrum capit," he at last, in 1881, decided he would call counsel to his aid, but did not get a full hearing until 1886, as you have set forth.

So that really there was only forced delay until now, for after 1892 we were without papers, waiting, as he had done, to secure the evidence, Governor Boutwell having lost the papers, and we did not have means to carry on the case, further embarrassed by my entire lack of business ability.

Senator Hoar, with his broad knowledge of human affairs, will not fail to see how matters would be forced to drift with a man completely broken in health and leaning for assistance upon one who could only aid him to live and support his family, but of no business capacity to assist him. Indeed, he seemed to feel that all he would have to do was to present his case to the Government and it would at once be adjusted—it was so clear and strong.

The strange combination of accidents and misfortunes, causing so much delay in presenting the claim, make a modern romance of facts stranger than fiction.

I have your answer to letter I sent yesterday.

Yours, truly,

E. HUNT.

Hon. H. W. BLAIR.

EXHIBIT C.

GRAFTON CENTER, N. H., *January 2, 1903.*

MY DEAR SIR: Mrs. Hunt reminds me I forgot to tell you a quite important fact. After Governor Boutwell had closed his Washington office and we had decided to take the claim to Congress, from lack of funds to prosecute it in Supreme Court, to which governor appealed it on his own motion, and said he thought he could win it, Mrs. Hunt went to him to get the papers in the case, and he told her that in moving from Washington to Groton two boxes of books and papers were lost, and in them were the Soule papers, and if he ever found them he would send them to her. (Not yet done.)

This he told her in his son's office in Boston. Here was another loss of papers, and by an ex-secretary and governor, only in transit from Washington to Massachusetts. Was not this discouraging? Was it not more wonderful than the loss of the original papers by King and Soule, when their baggage went astray to Honolulu and Australia, when transportation was more risky?

Well, we waited in hopes to receive the papers, but have not.

Then we must do the best we could—of course with no papers we could present no case to anyone.

Well, we had some correspondence with a Washington firm of agents, on recommendation of a friend, Steinberger & Co., or something of that kind, I forget name, but the principal died and firm dissolved.

Then we got what papers we could find, and Mr. Spring, of Lebanon, whom you must have known, was to take the case, and he copied the records of the Court of Claims, which I forwarded to you at the outset, and, as you know, he too died, and we were again afloat.

We had notice that Mr. Currier would be elected, and knowing his ability we waited and deemed ourselves fortunate to secure your aid in the case.

So you see how we have had to work for ten years and wait.

Hoping you will now be successful, I am,

Yours, truly,

E. HUNT

Hon. H. W. BLAIR.

Mr. ALLISON. I ask that the bill may go over without prejudice.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice. The Secretary will announce the next business on the Calendar.

ESTATE OF GEORGE W. SAULPAW.

The bill (H. R. 1513) for the relief of estate of George W. Saulpaw was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims

with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of George W. Saulpaw the sum of $7,000, in full compensation for the steamer Alfred Robb, taken by the United States for the use of the Government during the late war of the rebellion; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,000 for the purpose specified in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY BASH.

The bill (S. 2749) for the relief of Henry Bash was considered as in Committee of the Whole. It proposes to pay to Henry Bash the sum of $1,260, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Port Townsend, Wash., from July 1, 1886, to October 1, 1891, being sixty-three months, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PLATTING OF MINING CLAIMS.

The bill (S. 181) to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims was considered as in Committee of the Whole. It provides that all moneys heretofore or hereafter deposited in any United States depository under the rules and regulations of the General Land Office for platting of mining claims and other office work in the office of any surveyor-general connected with proceedings to obtain patents shall be deemed an appropriation for the objects contemplated by such rules and regulations, and authorizes the Secretary of the Treasury to cause the sums so deposited to be placed to the credit of the proper appropriation for platting and other office work in obtaining patents for mining claims. But any excesses in such sums over and above the actual cost of such platting and office work, comprising all expenses incidental thereto, and for which they were severally deposited, shall be repaid to the depositors, respectively; such payments to be made upon a statement of account therefor by the Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BURGESS.

The bill (S. 4224) to correct the naval record of Alfred Burgess was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any report in that case?

The PRESIDING OFFICER. There is. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. PLATT of New York February 23, 1904, and read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4224) to correct the naval record of Alfred Burgess, having previously given the case careful consideration, report the same favorably and recommend that it do pass, attaching hereto and making a part of this report Senate Report No. 2824, Fifty-seventh Congress, second session.

The report is as follows:

"The Committee on Naval Affairs, to whom was referred the bill (S. 4906) to correct the naval record of Alfred Burgess, report the same favorably and recommend that it do pass.

"The records show that the said Burgess enlisted in the Navy on June 23, 1862, as a first-class fireman, for two years; that he served on board the U. S. S. *Sonoma* and deserted from that vessel on August 31, 1863.

"It appears, however, from affidavits and statements in the hands of the committee made by Asa B. Cullins, late acting and first assistant engineer, United States Navy, and John A. Pingree, late acting third assistant engineer, United States Navy, hereto attached and made a part of this report, that the charge of desertion entered against the said Burgess was an error and due to the neglect of the paymaster of the ship on which he was serving.

"The fact is, according to the affidavits above mentioned, the said Burgess was transferred from the U. S. S. *Sonoma* to the New York Navy-Yard in July, 1863, rated as a first-class fireman, on account of his abilities as blacksmith and fireman.

"The committee believe that an injustice has been done the said Alfred Burgess, and that the charge of desertion standing against him upon the naval records should be removed."

Mr. COCKRELL. Is there anything from the Navy Department to show that the beneficiary served in the New York Navy-Yard?

Mr. SPOONER. Would not the transfer show it?

Mr. COCKRELL. Yes.

Mr. GALLINGER. There is a communication from the Navy Department in the report.

Mr. COCKRELL. Let it be read.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, March 15, 1898.*

SIR: Referring to your communication of the 12th instant, requesting to be furnished, for the use of the Committee on Naval Affairs, in the consideration of the bill (S. 4104) to relieve Alfred Burgess from the charge of desertion, with the views of the Department in regard to the propriety of the legislation proposed, I have the honor to state that it appears from an examination of the records in the case of Burgess that he enlisted in the Navy June 23, 1862, as a first-class fireman, for two years; served on board the U. S. S. *Sonoma*, and deserted from that vessel August 31, 1863.

It appears from an examination of the records of the Department that on June 18, 1891, the case of Burgess was considered with a view to the removal from his record of the charge of desertion under the provisions of the act of Congress to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, and was rejected on the ground that he neither served until May 1, 1865, nor was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty.

The Department sees no reason for special legislation in this case. The question whether or not such relief should be granted the applicant would appear to be a matter for the determination of the Congress.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. COCKRELL. Is there anything in the report to show that the beneficiary ever went to the place where it is stated he was transferred? Mr. President, it is an important point there. If this man was transferred, there is some record of it, and the Committee on Naval Affairs ought to present that record. There is no trouble about the record if he was transferred to another branch of the service.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Missouri to two affidavits which appear in the report made by the senior Senator from New York relative to this case.

Mr. COCKRELL. Those affidavits are not record evidence. You can not substantiate a man's service for the Government simply by the affidavit of some other party. The Government keeps a record of all its employees of every kind, and the record ought to show the transfer. If he performed any service for the Government, the Government paid him for it, and there is a record of it. I must ask that the bill go over until that question can be answered.

The PRESIDING OFFICER. Objection being made, the bill goes over under the rule, without prejudice.

Mr. COCKRELL. If the claimant was transferred, as the affidavits state, there is a record of it, and the record is the best evidence of it and it ought to be the only evidence. Oral testimony to prove service of that kind will not do, particularly in army and navy service.

The PRESIDING OFFICER. The bill will be passed over without prejudice under the rule.

J. M. BLOOM.

The bill (S. 1586) for the relief of J. M. Bloom was considered as in Committee of the Whole. It directs the Postmaster-General to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with $189.12, and to cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $123 in postal funds by robbery of the post-office on the 10th day of February, 1897, and $66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $189.12 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTIS PARKE UPSHUR.

The bill (S. 2020) for the relief of Custis Parke Upshur was considered as in Committee of the Whole. It proposes to pay to Custis Parke Upshur $787.82, being the amount due him for office rent and expenses incurred by him while United States shipping commissioner at Astoria, in the State of Oregon, from July 1, 1886, to October 1, 1891, being for five years and three months, at $12.50 per month.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. FULTON from the Committee on Claims February 24, 1904.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business, which is House bill 14749.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BARD. Mr. President, it seems important, in the beginning of this discussion, to call attention to the peculiar history of the pending bill.

Following the defeat of the omnibus statehood bill in the Fifty-seventh Congress, there was introduced early in the first session of the Fifty-eighth Congress, in this Chamber, by Mr. Quay, on November 16, 1903, Senate bill 878, to enable the people of *New Mexico* to form a constitution and State government, and Senate bill 879, being a similar bill providing for the admission of *Arizona* as a State.

The first bill introduced in the House of Representatives in the Fifty-eighth Congress was H. R. No. 1, a bill to enable the people of *New Mexico* to form a constitution and State government and be admitted into the Union, introduced by the Delegate from New Mexico, Mr. RODEY.

On the same day there was introduced in the House another bill (H. R. 24) intended to provide for the union *of Oklahoma* and the *Indian Territory* as one State.

On the following day (November 10) another bill (H. R. 848) intended to provide for the admission of *Arizona* alone was introduced by the Delegate from Arizona, Mr. Wilson. A week later there was introduced by the Delegate from Oklahoma, Mr. MCGUIRE, H. R. 4078, a bill intended to provide for the admission of *Oklahoma* alone. On January 14, 1904, another bill (H. R. 10010) intended to provide for the admission of *Oklahoma and Indian Territory* united as a State was introduced by Mr. ROBINSON of Indiana, in the beginning of the second session of the Fifty-eighth Congress, March 5, 1904. A bill (H. R. 13524) providing for the admission of *Indian Territory* alone as a State was introduced by Mr. MOON of Tennessee.

It will be observed that while two of these bills proposed the union of Oklahoma and Indian Territory, all of the rest, five in number (S. 879, S. 878, H. R. 848, H. R. 4078, H. R. 13524), were intended to permit each of the four Territories to be admitted separately. None of the bills proposed the union of New Mexico and Arizona, and the people of these Territories have never asked for joint statehood.

The bill (H. R. 14749) now under consideration by the Senate was introduced by the chairman of the Committee on the Territories and referred to his committee on April 4, 1904. It was reported back to the House of Representatives on April 8, 1904, without amendment, having been in the hands of the committee three days. On April 19, 1904, the bill was taken up for consideration by the House as in Committee of the Whole House, under a rule reported by the Committee on Rules, limiting the debate, excluding intervening motions, and providing for a vote on the bill on its final passage at 4 o'clock of that day. No amendments were permitted under the rule, except such as had been proposed in the rule; and the bill, as thus amended, was passed by the House on April 19, 1904, after a debate lasting three and one-half hours. No bill of the kind was ever introduced in either House of Congress until this bill was brought out of the committee by the chairman of the House Committee on the Territories.

Some of the Members who participated in the debate expressed regret that the limitations for the consideration of a measure so imporant prevented them from presenting certain amendments which, in their opinions, would probably have been accepted, and if accepted would have removed what was regarded as serious objections to the bill.

The bill was never read before the House. (See p. 5152, CONGRESSIONAL RECORD, April 19, 1904.)

I have recited these facts as they appear on the record of the legislative history of the measure which the Senate is now considering, for the purpose of showing that the people of Arizona and New Mexico, through their representatives, or otherwise, have never applied to be joined in statehood, and no bill was ever before introduced in Congress for such purpose, but that such proposition originated in the Committee on the Territories of the House of Representatives. It does not, therefore, appear that the committee was prompted by any consideration of the wishes of the people of the Territories of Arizona and New Mexico, but its action was in direct disregard of the protests made in their behalf.

In the absence of any explanation given in their report or elsewhere, we are compelled, therefore, to presume that the measure was suggested only by what a majority of the members of the committee in the House regarded as best for the common weal of the whole people of the United States, and that in their judgment such consideration is paramount and justifies its refusal to regard the wishes and interests of the people directly interested. But, if such be the case, there is nothing in the House report indicating how such a conclusion has been reached and it remains to be explained by Senators who are supporting the measure how it has become necessary that this bill shall be passed in order that the best interests of the Republic shall be conserved or promoted.

In view of the facts concerning the history of the measure, I wish to express my gratification that the rules of the Senate accord to its members the fullest opportunity and latitude for debate, and that they secure for this or any other measure as full and deliberate consideration as its importance merits.

Senators who are opposing the passage of this bill, as a whole or unless it is amended so as to eliminate all portions of it which apply to New Mexico and Arizona, are expecting to have full latitude under these rules and successfully to dispel any idea that may be entertained that there *is* any present public necessity for safeguarding or promoting the common interests by the enactment of this bill in its entirety.

In this short session of Congress, which will be taken up principally by the consideration of the great appropriation bills, there will be presented to the Senate for its consideration no measure more important than the statehood bill. It affects the rights and political destiny of nearly 2,000,000 of our own American people and proposes to terminate the control of Congress over the only contiguous territory belonging to the United States.

The creation of new States has often marked some important epoch in the political history of the nation and too frequently has signified the accomplishment of some selfish scheme of the political party which at the time controlled the Government. There does not appear to be any circumstances by which either of the great political parties of this day can secure any sure advantage by either the enactment or defeat of this measure; and I believe that Senators can not be persuaded to let any hope for political advantage to either of the parties, whose representatives are supposed to be divided by the central aisle of this Chamber, prevent them from considering this measure only on the higher plane of duty to the Republic and to the people most directly interested in it.

I have no objections to the proposed joining of Oklahoma and Indian Territory to make a State of the Union, but I believe that it would be more consistent with the principles of our Government to permit the people of each of the Territories, separately, to vote upon the proposition, and to require a vote of the majority of the qualified electors of each Territory to ratify the proposed constitution of the new State. These Territories have made great advance in the development of their resources and are already populous.

The combined area of the two Territories is about seventy thousand square miles—about the size of Missouri. Oklahoma and Indian Territory contain 11,000 square miles less than Kansas and 17,000 square miles more than Arkansas, and their joint area is less than three-fourths of the area of Colorado—all being their neighboring States.

The aggregate population of the two Territories is probably far beyond a million.

The organic act creating the temporary government for Oklahoma provided for the addition, from time to time, of large portions of the Indian Territory. By this organic act it is apparent that it was not intended to draw a permanent line of division between Oklahoma and Indian Territory, but that Oklahoma should be enlarged by adding other lands within the Indian Territory whenever the Indian nation or a tribe on such lands shall assent to the extension.

Indian Territory is practically without a government and has no representation in Congress. Before the proposed constitution of the new State shall be in force the lands belonging to the Five Civilized Tribes will have been allotted and disposed of and all of the Indians will have become citizens of the United States.

By the Curtis Act, and various agreements with the Five Tribes, tribal courts were abolished July 1, 1898, and all tribal relations and government of the five nations are to cease March 4, 1906.

Of the whole population of the Indian Territory the Indians of pure and mixed blood, who have intermarried whites and negroes, and adopted citizens, constitute only one-fifth of the inhabitants of the Territory. The remaining four-fifths of the inhabitants of the Territory have no connection with tribes, and are white people with a small percentage of negroes, whose

citizenship in the States from which they came has qualified them for statehood.

This large population of white people is without adequate schools, except those which have been provided by the Government for incorporated towns. It is estimated that 100,000 white children in the Territory are without free educational opportunities.

There seems to be, therefore, not only a sufficient preparedness, but a necessity for statehood.

But as to the proposition to join Arizona and New Mexico, I am not in accord with the majority of the Senate Committee on Territories, of which I have the honor to be a member; but I believe that Arizona, at least, has a right to protest against this measure, and has sufficiently indicated to Congress that her people are earnestly protesting against the proposed attempt to coerce them to accept joint statehood with New Mexico. At no time have the people of either of the Territories of Arizona or New Mexico expressed any desire to have joint statehood.

At the hearings held December 11, 15, 17, 1903, and on January 6, 1904, before the House Committee on the Territories, reference was made for the first time to the proposition of joining Arizona and New Mexico. It occurs in the statement before the House committee by Mr. RODEY, the Delegate from New Mexico. (See Hearings, Vol. II, p. 631, and on pp. 64, 66, and 70.) He introduced the subject himself by saying:

> There is no use in mincing matters. It is better for the Delegates from the Territories to be plain with the committee. There is a sentiment in the East, as we know it was developed in the opposition to statehood *last winter*, in favor of making an effort to join the Territories of New Mexico and Arizona as one State when they come into the Union.

And, continuing, he said:

> The people of the Territory of Arizona, as I am at present advised, would vote *as a unit* against such a bill; and 60 or more per cent of the people of New Mexico would vote this minute to defeat a constitution under it. *If they shall change their minds* it will only be by coercion after this Congress has denied their just demands.

That was the testimony of Delegate RODEY. At the same hearing Hon. E. E. Ellinwood, of Prescott, Ariz., for five years United States district attorney, said (p. 145):

> If you can not benefit the Territory of Arizona, do not do her an injury. New Mexico does not want us tied to her, and we do not want to be tied to New Mexico. We want statehood, gentlemen of the committee, but we are not insane on the subject of statehood. If you can not admit Arizona with its 113,000 square miles, with its resources, with its American population, leave us out. * * *
>
> Gentlemen of the committee, take up the New Mexico bill and pass it; take up the Oklahoma bill and pass it; and let Arizona remain as it is rather than join us together. We will be loyal. We would prefer to remain a Territory absolutely indefinitely, forever, until we work out our own salvation. We will do it. For heaven's sake do not strike us in the face if you can not help us up. This is the preference of the people. I know the conditions in the Territory, and no one will appear before you who will not tell you the same thing. Arizona is unanimous on this subject. We will not have it if we can help it.

Mr. Ellinwood was asked the following question:

> By what authority do you speak, on behalf of your Territory, saying that you are united in opposition to being joined with any other Territory to form a State? Is it simply your judgment about it, or has there been a vote, or a town meeting?

His reply was:

> I will state to the gentleman that since this question has been up I have been in every county in the Territory, and nearly every town in every county. I am with the people all the time; I am in the courts with the jurors and witnesses all the time; and I have never heard one man in the Territory of Arizona express himself favorably to any such joining of the two Territories.

The Delegate from Arizona, Mr. WILSON, being asked (January 15, 1904) by the chairman of the committee:

> Supposing that you were confronted with the question whether you could be admitted with New Mexico or not at all, would you rather wait, or would you rather be joined?

replied:

> We would rather wait until the crack of doom before we would ever consent to it, and if stronger language is necessary I will use it.
>
> Mr. ROBINSON. Is that the sentiment of your people?
>
> Mr. WILSON. Yes, sir; absolutely.
>
> Mr. ROBINSON. Will that sentiment change?
>
> Mr. WILSON. It never will. It will only grow more violent.

In each case these witnesses gave in full the reasons why the people of Arizona are not only unwilling to be joined with New Mexico in joint statehood, but strongly protest against it. This protest was early expressed by the governor of Arizona in his report to the Secretary of the Interior for the year ended June 30, 1903. He said (p. 205):

> While the people of Arizona are unanimous in their desire for the admission of the Territory as a State and feel that the longer this boon is denied them the longer is a great injustice being done to a hardy, honest, straightforward, and patriotic people, still they are as unanimous in their opposition to a union with any State or part of State or Territory, even though by such a union could the desired boon be attained.
>
> They have withstood the dangers and vicissitudes of frontier life too many years; they have worked too hard to mold a State from the desert; they have expended too much time and energy in the upbuilding of their Territorial public institutions to at this late day desire to surrender control to others. * * * Arizonans desire admission to statehood, feeling sure that, under the stimulus given by the more stable form of government, Arizona will rapidly forge to the front and soon become one of the most prosperous of all the States of our Republic. They feel without exception that a union with the Territory of New Mexico as one State, by whatever name it may be known, would make a State too unwieldy for the proper administration of public affairs; that such a union would be disastrous to all concerned, and would be rather an obstacle than a help to progressive advancement for either.

And in his last report, for the year ended June 30, 1904, after the bill under discussion had been passed by the House, the governor of Arizona says (p. 14):

> Finding themselves confronted with a plan to unite their Territory with New Mexico, the people of Arizona *have protested* vigorously, and they will *continue* to do so until they have defeated this repugnant scheme. The injustice of it should readily appeal to all. * * *
>
> The two Territories, as they stand, are different in many ways. They have little in common; their lands are dissimilar. It is doubtful if they could ever become reconciled to exist under one form of State government.
>
> * * * *I* can not *add* to the *protest* that has already been made by the people of the Territory of Arizona against this reprehensible measure, and I have only to say that they would desire that their Commonwealth *remain a Territory indefinitely* rather than be joined with New Mexico. They desire to come into the Union as the State of Arizona, with the present Territorial boundary, and until, in the wisdom of the nation's legislators, they are permitted to do this, they are content to remain as they are, trusting in the justice of the future years to bring the boon so earnestly sought.

The people of Arizona, alarmed by the intimation that such a proposition was being entertained by the House Committee on Territories a year ago, quickly sent earnest protests to their Delegate, that he might present them to Congress; and we find these protests printed in full in the CONGRESSIONAL RECORD, pages 5111 to 5118, filling eight pages. They are the resolutions passed by the people in mass meetings in all the principal towns and cities and throughout the counties of Arizona, and by municipal bodies, county supervisors, boards of trade, chambers of commerce, etc. They are positive declarations "that the people of Arizona are unalterably opposed to New Mexico and Arizona being consolidated and made one State; that they prefer to remain as citizens of a Territory than to enter the sisterhood of States under such condition;" and they pray that "no bill be passed providing for the union of New Mexico and Arizona into a single State."

The newspapers of Arizona also have repeatedly given expression to the almost unanimous opposition by the people of that Territory to this measure. The sentiment of opposition is shared by the people and press of both political parties of Arizona. Were it necessary or advisable, many pages of the RECORD could be filled with hundreds of newspaper articles in support of this statement. Specimens of these denunciations by the press of Arizona are perpetuated in the Appendix, printed in connection with the admirable remarks of Mr. NEEDHAM, one of the Representatives from California, on pages 5130 to 5132 of volume 38 of the CONGRESSIONAL RECORD.

I am personally informed, from various reliable sources, that most of the best-known men of Arizona, among them Chief Justice Kent, of the Territory, and ex-Governor Murphy, of Arizona, strongly express their own disapproval of the proposed jointure of the two Territories, and state that the opposition of the people is almost unanimous.

Governor Otero, of New Mexico, a Republican in politics and originally an appointee of President McKinley in his first term, is of Spanish descent on the paternal side and qualified in every way to speak of the popular sentiment in the two Territories respecting this measure.

> There is no doubt that the great majority of the people of New Mexico are opposed to joining New Mexico and Arizona into one Commonwealth as is proposed by pending legislation. Even the small percentage who would acquiesce in such a consolidation prefer single and separate statehood for each Territory. This is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historic and ethnologic standpoint, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history.

And Governor Otero has said, in even a more emphatic manner, in a recent interview as reported by the newspapers, the following:

> The new State would be an unnatural and an unwilling alliance. It would be the coercion of two populations, which are unlike in character, in ambition, and largely in occupation.
>
> The union would be abhorrent to both. Because the two populations are in the Southwest the nation should not suppose that they are alike or sympathetic.

Arizona was once a county of New Mexico, but from the very beginning her people were dissatisfied and desired to become separated from New Mexico. Senator Wade, in this Chamber,

in the debate on July 3, 1862, on the bill to create a temporary government for Arizona, said:

The organization of the Territory of Arizona has been a matter of constant importunity upon this Government for more than seven years, to my certain knowledge. * * * The people there, * * * ever since I have been upon the Committee on Territories, have been urging Congress to organize this Territory.

It appears that the people of New Mexico were quite reconciled to the proposed separation, for in the debates in Congress, preserved in the Congressional Globe, we find Mr. Watts, the Delegate from the Territory, earnestly supporting the bill to create the temporary government for Arizona then pending, and representing that the people of New Mexico realized that sooner or later a division of the Territory would be made by Congress, and that it were *better* to come now, *before* the people of the different sections of the Territory shall become so "attached to each other and so intertwined as one people that to disrupt the Territory will cause the most unpleasant and painful sensations."

But, Mr. President, the people of these two Territories were not permitted to become "attached to each other" or "to be intertwined" very long, for the bill which Mr. Watts was then supporting soon afterwards became the law, under which, for forty-two years, the people of Arizona have enjoyed the benefits and happiness of a separate autonomy. Mr. Watts said, in his remarks upon that occasion, in 1862:

It is a Territory large enough to make four States of the size of New York or Pennsylvania, and I know and feel that it will not be allowed to remain undivided. I know that it will be considered too large for one Territory, and division must come sooner or later.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. Certainly.

Mr. TILLMAN. Before the Senator from California passes from the point he is making in his almost, I will say, unanswerable argument in favor of the contention which he is urging, I will submit, if he will permit me, some very recent and, to my mind, conclusive testimony just received in the mail this morning from the Bar Association of Arizona, signed by Jerry Millay, president, and Thomas J. Prescott, secretary—a personal letter addressed to me inclosing a resolution passed by the bar association, dated the 31st of December, 1904. I suppose it has been three or four days in transit, or something like that, but it is the most recent and authoritative statement of the opposition of those in Arizona who are supposed to know what they want. If the Senator will permit me, I will ask the Secretary to read it, so that it may go into the RECORD.

Mr. BARD. With pleasure.

Mr. BEVERIDGE. Does the Senator want both the letter and the resolution read?

Mr. TILLMAN. Yes; I want both read, because they are interlocked and one is about as strong as the other. Let the letter be first read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

BAR ASSOCIATION OF ARIZONA, OFFICE OF SECRETARY,
Phoenix, Ariz., December 31, 1904.

Hon. BENJ. R. TILLMAN,
Senator from South Carolina.

DEAR SIR: We herewith present to you a copy of resolutions adopted by the Bar Association of this Territory regarding the proposed union of Arizona and New Mexico and their admission to the Union as a single State.

These resolutions have been forwarded to the United States Senate as a body, but in addition we desire to invite your personal consideration of this proposed legislation and to implore you to lend your assistance to avert from the people of this Territory the calamity which they feel to be impending.

It is impossible by resolutions to convey to you or to the honorable body of which you are a distinguished member the intensity of the feeling of our people upon this subject and their loathing of the proposed union. In this time of our peril we appeal to the Senate of the United States and to each individual member thereof not to put upon the people of Arizona the blight which this odious union will entail.

The people of this Territory are homogeneous, with similar tastes, ideals, and ambitions, and they have at great sacrifice established and maintained appropriate educational and charitable institutions conformable to those ideals and ambitions, and they desire the opportunity to work out their own destiny in accordance with those ideals.

There is nothing in common between the people of Arizona and those of New Mexico, and the topography of the country interdicts all intercourse and all interchange of commodities or ideas.

The combined area of the two Territories is too great for the convenient and economical administration of government.

The inhabitants of this Territory differ from those of New Mexico in race, government, ideas, political ambitions, and otherwise to such an extent as to make it impossible for the people of the two Territories to unite in harmonious conduct of a State government.

We therefore implore you not to lend your countenance or assistance to the passage of this measure, which, if it becomes a law, will practically disfranchise and enthrall as progressive, loyal, and patriotic a body of American citizens as any whom the members of your honorable body represent.

Separate, independent statehood has ever been the hope of our people, yet we willingly, gladly consent to defer the fruition of that hope indefinitely rather than incur the irremediable disaster of the submergence of our identity which the proposed union with New Mexico would entail.

Respectfully, JERRY MILLAY, *President.*

Attest:
THOS. J. PRESCOTT, *Secretary.*

Resolution.

The Arizona Bar Association, of Arizona, at a meeting held at the capital of the Territory, on December 27, 1904, adopted the following resolution:

Resolved, That this association protest against the admission of Arizona and New Mexico as one State into the Union, and offers this protest against the passage of the bill now pending on the following grounds:

First. It violates our sense of local pride; sentimental possibly, but a sentiment underlying and necessary to loyalty, patriotism, and the higher aspirations for good government and good citizenship.

Second. It subjects us to the domination of a majority heretofore strangers to us, living under different institutions, observing different customs, having different laws and different rules of property as to its acquisition, enjoyment, and disposition, subject to different environment, having different trade relations, and the larger proportion of whom can not and do not understand, speak, or write the English language.

Third. That such union involves either a concession by that majority of their laws, customs, and habits or an abandonment by us of ours, and the consequent unsettling of our laws and jurisprudence which are the growth of nearly half a century of different, distinct, and separate government, and by experience shown to be adapted and adaptable to our institutions, customs, habits, and peculiar wishes.

Fourth. The union of these two Territories would create a State the area of which would be greater than Iowa, Michigan, New York, and all the New England States combined. This would entail extraordinary expenditure of money and time in the transaction of public business, working hardship and more or less operating to deprive us of participation in the transaction of our public affairs. It is, we submit, a cardinal principle of American institutions that the more nearly within the actual observation of the people the functions of a government are exercised, and the greater facility afforded them for actually participating therein, the safer those institutions are and the more economically, honestly, efficiently, and capably they are carried on.

These considerations principally, perhaps others, more than forty years ago induced a Congress of the United States to establish the government of the Territory of Arizona separate and apart from that of New Mexico. The lapse of time has not, we submit, rendered these reasons of less efficiency, but has, on the contrary, not only justified the act of that Congress, but emphasized and made more apparent and urgent the reasons that then prompted the separation. The proposed enabling act is violently opposed to our wishes and, as we deem it, will necessarily result in the subversion of our rights.

We therefore respectfully but most earnestly protest against the passage of the proposed law, implicitly believing that in so doing we express the sentiment of the vast and overwhelming majority of our people.

And as members of this honorable profession we appeal to the Congress of the United States that, as a matter of right and justice, this distasteful union be not imposed upon an unwilling people.

I hereby certify that at a special adjourned meeting of the Bar Association of Arizona, held in the court room at the court-house in the city of Phoenix, Ariz., on the 28th day of December, 1904, at the hour of 2 o'clock p. m., due and timely notice of such meeting having first been given, the foregoing resolution was unanimously adopted; that the undersigned was at the date of said meeting and now is the duly elected, qualified, and acting secretary of said association.

THOS. J. PRESCOTT, *Secretary.*

PHOENIX, ARIZ., *December 31, 1904.*

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. I do.

Mr. TILLMAN. If the Senator from California will permit me, I want to say that this cry for help appeals to me with greater force than possibly it does to many others here, for the reason, if I understand the situation, that it is a cry of a pure-blooded white community against the domination of a mixed-breed aggregation of citizens of New Mexico, who are Spaniards, Indians, Greasers, Mexicans, and everything else. It is just about the same as if we were to join Florida and Cuba, and then let the two be governed by a legislature elected by the universal suffrage of the Cubans and Floridians.

Mr. BARD. I am afraid the Senator from South Carolina——

Mr. TILLMAN. I want to say that I cast no reflections, and I do not want to cast any reflections, upon the New Mexicans. I am willing to give them statehood, but I do say that, as a white man, I appeal for white supremacy in Arizona.

Mr. BARD. I had no intention of introducing in my speech any similar testimonials of the feeling existing in Arizona in opposition to this bill, but since the Senator from South Carolina [Mr. TILLMAN] has introduced these papers, I have been handed by a messenger two communications which perhaps may as well be submitted at this time. I am informed by telegrams that there will be much more of the same kind of evidence presented to the Senate.

The PRESIDING OFFICER. Does the Senator from Cali-

fornia desire the communications to which he has referred read by the Secretary?

Mr. BARD. If permitted, I will have them inserted in the RECORD as a part of my remarks. I will say, however, that they consist of resolutions of protest by the Arizona Baptist convention.

Mr. BEVERIDGE. Let them be read.

Mr. BARD. Very well, I will send the communications to the desk. I ask that the resolution only be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Resolutions of protest by the Arizona Baptist Convention.

At a called meeting of the board of managers of the Arizona Baptist Convention held in Phoenix, Ariz., December 31, 1904, the following preamble and resolution were unanimously adopted:

Whereas a bill has been introduced in the United States Senate providing for the admission to the Union of Arizona and New Mexico as one State:

Resolved, That we respectfully and most earnestly protest against the proposed merging of the two Territories as being unjust, unwise, and impolitic, believing, as we do, that it would provoke antagonism which would be detrimental to the interests of both Territories to unite two Commonwealths so separated by natural, political, racial, and religious barriers.

LEWIS HALSEY,
President Board of Managers of the Arizona Baptist Convention.

Attest:
GEORGE H. BREWER, *Secretary.*

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. I do.

Mr. BEVERIDGE. I had assurance from the Senator that he would yield before I rose to address the Chair.

Accepting at its face value, and more, the statement of the Senator from California, upon the authority which he cites in support of it, that the people of Arizona are practically a unit against this bill, and the statement which he quotes from the governor of New Mexico that the people of New Mexico are practically a unit against the bill, I ask the Senator what harm can come from submitting this question to the people themselves, and letting the people themselves say at the ballot box whether they want this or whether they do not, and whether or not that would not be a more accurate expression of their desires than the statements of governors appointed over them?

Mr. BARD. Mr. President, I have anticipated a little further along in my speech the question of the Senator from Indiana——

Mr. BEVERIDGE. Very well; I am willing to let it go.

Mr. BARD. And when I come to it I will direct his attention to the remarks in reply to his question.

Mr. BEVERIDGE. If I had known that the Senator was going to take it up I would not have said anything on the subject. It merely occurred to me, I will say to the Senator from California, that there could not be any harm in hearing from the people themselves, since this bill could not possibly become effective if it is true, as the authorities he quotes say, that the people themselves are against it.

Mr. FORAKER. If it does not interfere with the Senator from California, I should like to ask the Senator from Indiana a question at this point.

Mr. BARD. I yield.

Mr. FORAKER. And that is whether or not the Senator from Indiana will contend that a majority of the people in each of those Territories, New Mexico and Arizona, are in favor of statehood by consolidation?

Mr. BEVERIDGE. Will the Senator from California permit me to answer the question of the Senator from Ohio?

Mr. BARD. Certainly.

Mr. BEVERIDGE. I will say, in answer to the question of the Senator from Ohio, that I do not contend that or the reverse. I contend for what the bill which was passed by the House and came to this body proposes—merely that the people of this country shall hear from the people of the Territories themselves as to whether they wish this bill or not, and not from those who assume to represent the people. For fifty years we have heard what politicians said the people wanted, but never have we heard the people themselves say what they wanted. That is what I contend for.

Mr. BARD. Mr. President, in the history of legislation on this subject there has never been a case where Congress has acted except upon evidence that the people were applying for admission to the Union as a State. I will proceed.

As originally constituted, the Territory of New Mexico, including Arizona, contained 235,380 square miles; larger than any other State or Territory, except Texas, nearly 50 per cent larger than California, and two and one-half times as large as the Territory of Oregon. There is good evidence to show that Congress had anticipated the necessity of dividing the Territory of New Mexico, for in the act of September 9, 1850, creating the temporary government of the Territory, it is provided that when admitted as a State the said Territory, *or any portion of the same*, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission, and also—

That sections 16 and 36 in each township in said Territory shall be reserved for the purpose of being applied to schools in said Territory and *in the State and Territories hereafter to be erected out of the same.*

One of the same reasons given then for desiring separation is given now for remaining separate Territories, namely, that the combined area of the two Territories is too great for convenient and economical governmental administration; and this is insisted upon now, though the facilities for intercourse between the sections are greatly improved by railroads and telegraph and telephone lines.

New Mexico alone has an area larger than the aggregate area of England, Scotland, Ireland, and Wales.

New Mexico and Arizona together have an area equal to the area of all the thirteen States on the Atlantic seaboard from Maine to South Carolina, or equal to the aggregate area of New York, Pennsylvania, West Virginia, Ohio, Kentucky, and Indiana.

These two Territories are a part of the territory which was ceded by Mexico under the treaties of Guadalupe Hidalgo and for the Gadsden purchase.

The great State of Texas, having an area of 265,780 square miles, was also originally Mexican Territory. Along the international boundary between Mexico and the United States, from the mouth of the Rio Grande, at the Gulf of Mexico, to the southwestern corner of California, on the Pacific Ocean, lie the State of Texas, the Territories of New Mexico and Arizona, and the State of California.

The distance between the two extreme points named, following the boundary, is about 1,500 miles. Such a line stretched from the most northeasterly corner of Maine on the Atlantic would reach to the Florida keys.

These four border States and Territories—Texas, New Mexico, Arizona, and California—have an aggregate area of about 660,000 square miles, which is 22 per cent of the whole area of continental United States—equal to the aggregate area of all of the six New England States and New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Ohio, and Indiana, represented in this Chamber by twenty-eight Senators, while the same area of the Mexican border States are represented here by only four Senators.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Can the Senator state, if he has the figures at hand, what the respective populations of those respective areas are?

Mr. BARD. I have not the figures.

Mr. BEVERIDGE. I ask that question because I assume that the Senator does not contend that this is a Government of areas, but a Government of people.

Mr. BARD. I have not the information at hand.

Mr. TILLMAN. If the Senator from California will allow me, I would suggest to the Senator from Indiana that this body is peculiarly a representative of entities, representing area and not population.

Mr. BEVERIDGE. Of course I do not want to interrupt the Senator from California; I thought perhaps he had the figures at hand, and that is the only reason why I do not answer the pointed observation of the Senator from South Carolina. I merely thought perhaps the Senator from California had the figures and could put them in.

I will be very glad to take up the other subject at some other time.

Mr. BARD. I am sorry I have not the information, but I will remind the Senator from Indiana that the territory with which I have contrasted these Mexican boundary-bordering States is a thoroughly American community——

Mr. BEVERIDGE. Certainly.

Mr. BARD. That it has had great advantages, varied development; and there is no comparison in some respects between the two areas.

Mr. BEVERIDGE. That is true.

Mr. BARD. The Territories of Arizona and New Mexico are *inchoate States*, entitled sooner or later to become members of the Union of States. If they are not yet prepared for statehood, Congress may justly deny their application; but Congress

can not justly unite them if the proper political equilibrium of the various sections of the country is to be preserved.

The people of Arizona, particularly, are, as I have shown, earnestly protesting against the passage of this measure. Through fear of the consequences and injury which the bill would inflict upon them, they have abandoned all hope that Congress will, at this time, give Arizona separate statehood, though such has been their ambition for a whole generation. In surrendering this hope now Arizona *begs*, but begs in a manner that is *dignified*, though *intensely earnest*, that she may be spared the degradation of the loss of her separate autonomy and identity, and the humiliation of having her boundaries forever effaced, and forgetting in her distress the rights that she may claim, almost pitifully says, "rather than incur the impending disaster of a joint statehood with New Mexico, we request Congress *to allow us to remain* as a Territory of the United States."

But, Mr. President, no one can with propriety ask here in behalf of the people of Arizona that only their wishes or preferences shall guide Congress in its consideration of this measure. I realize that Congress, in considering such measures, has a duty to perform to the whole people of the Nation as well as to the people of the sections of the country whose interests are more particularly involved.

It devolves now upon the Senate to determine whether or not there is any *injustice* in the provision of this bill which attempts to unite Arizona and New Mexico in statehood; and if there be any such injustice, whether it shall nevertheless be permitted.

Congress has undoubtedly the power to do what it will in respect to the government of the Territories, and there is no power or authority on earth to question that right. There is no court to which the question could be appealed. It is generally admitted, as Judge Cooley has said, that—

> the people, *except as Congress shall provide therefor*, are not *of right* entitled to participate in authority until the Territory becomes a State.

And that—

> while Congress will be expected to recognize the principle of self-government to such extent as may seem wise, its discretion alone can constitute the measure by which the participation of the people can be determined.

But it has been the practice of Congress, from the earliest times, since the adoption of our Constitution, to create temporary governments for the Territory; and though there have been different forms of Territorial government, in every case there is implied in the acts creating them that the governments are to be succeeded by permanent governments, and that the people shall emerge eventually from their temporary pupilage and partial dependence into the full growth of statehood.

In every treaty of cession to the United States by which additional territory has been acquired, except for the purchase of Alaska, Porto Rico, and the Philippines, the United States Government obligated itself to incorporate the inhabitants into the American Union as soon as consistent with the principles of the Constitution. The period of pupilage varies: Kansas, 4 years; California, none; Michigan, 32 years; Utah, 44 years; Nebraska, 36 years. New Mexico and Arizona have existed under Territorial government 54 years.

These acts creating Territorial governments are modeled upon the principles embodied in the ordinance of 1787, which the Constitution left in force. The ordinance was adopted July 13 of that year by the Congress of the Confederation, sitting in New York, when the convention that framed the Constitution of the United States, sitting at Philadelphia, was in the very middle of its great work.

There can be no doubt that the eminent members of the Congress and of the convention were constantly conversant with all that was transpiring in either body. It may be reasonably surmised that before the convention framed Article IV, section 3, of the Constitution it had regarded with great interest the proceedings in the Congress while it was engaged upon the formulation of that noble and notable instrument known as the "ordinance of 1787," providing a government for the Northwest Territory and for the three or five States which were to be formed out of that Territory.

An examination of this ordinance and particularly of the older forms of the ordinance, adopted in 1784, will show that the Congress regarded the subdivisions of the Territory as "*States*" and called them by that name when referring to them even before a temporary government had been formed in them. And so to this day we are in the habit of regarding and referring to our Territorial organizations as embryonic States, which are eventually, at such time and under such conditions as Congress may deem proper and necessary, to receive authority to form a permanent constitution and State government, and to be entitled to be admitted into the Union on an equal footing with the original States in all respects whatever.

It is to be remembered that Article V of the ordinance provided that "There shall be formed in said Territory not less than three nor more than five States," and then it goes on to define with minuteness the boundaries of the three States, but provides that these boundaries shall be subject so far to be altered that if Congress shall hereafter find it expedient it may form one or two States in that part of the Territory which lies north of an east and west line drawn through the southern bend of Lake Michigan.

This division of the territory was in the main adhered to when Congress created the temporary governments of the Territories of Ohio, Indiana, and Illinois; and the three States which bear those names are substantially the same in territorial dimensions as the three States described in the ordinance of 1787.

This Article V, fixing the boundaries of the States within the territory is one of the articles which the ordinance declared shall be considered as articles of *compact* between the original States and the people *and the States* in the territory, and which shall forever remain *unalterable* unless by common consent.

Alongside of the articles which assured to the settlers in the Northwest Territory, freedom of worship or religious sentiment, the right to the benefits of the writ of *habeas corpus*, the right of trial by jury, and the free navigation of the large rivers, is to be found this Article V, which, in express terms, provides that—

> Whenever any of the said States in the said territory shall have 60,000 inhabitants therein, such State shall be admitted, by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever.

The admission of the States was conditioned *only* upon that qualification of population and that the constitution and the government so to be formed shall be republican. There was no reservation to Congress of discretionary power to consolidate two of the States in the territory, and no joining of two States was ever attempted.

And remembering these facts, that the convention and the Congress were sitting at the same time, that the ordinance referred to the subdivision of the Territory as *States*, and that it reserved to Congress no discretionary power to form a new State by the junction of two or more States within the Territory, we may find some new significance in its language, while we read again Article IV, section 3, of the Constitution of the United States as follows:

> New States may be admitted by Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State, *nor any State be formed by the junction of two or more States or parts of States* without the consent of the legislature of the State concerned, as well as of Congress.

Mr. President, I do not argue that the constitutional injunction forbidding the formation of any State by the junction of two or more States applies as well to the formation of a new State by the junction of two Territories. Nevertheless, in view of the fact that, in the ordinance of 1787, and that in almost all of the acts of Congress creating Territorial governments since the adoption of the Constitution and down to the present day, the Territories are referred to as *States*, there does seem to be *some* foundation for such a construction of the article of the Constitution which I have just read. But that is not my argument here. I am contending that the *principle* and the *rule* of the constitutional provision which forbids the formation of a State by the junction of two States have *already* been made to apply to the case of Arizona and New Mexico, and that by its own enactment of law Congress is enjoined from forming a new State by joining them without the consent of the people of each and both of these Territories.

And I am showing, Mr. President, that the people of Arizona, through their Delegate and otherwise, are protesting, and have right to protest, against the enactment of this measure on the ground that it would be a violation of a compact made and existing between Congress and the people of that Territory.

I will attempt to show that the *status* of the people of Arizona is different from the status of the people of any other Territory of the United States, now existing or that has been created since the beginning of the last century; that their present autonomy and their ultimate right to statehood rests not upon uncertain construction, but is expressly guaranteed by an act of Congress having the same force as the charter of compact embodied in the ordinance of 1787 in respect to the people then inhabiting the territory northwest of the Ohio. Out of the territory of the Northwest Ohio was established as a State in 1802 and there were created, from time to time, other Territories for which separate governments were established by Congress—

first, Indiana Territory in 1800; Michigan Territory in 1805, and Illinois Territory in 1809.

In the separate acts creating these three Territories, it provided that there should be established within the said Territory a government in all respects similar to that provided by the ordinance of 1787; "and the inhabitants thereof shall be entitled to and enjoy, all and singular, the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River" by said ordinance.

And finally, on April 20, 1836, Congress passed the act establishing the Territorial government of *Wisconsin*, which was also a part of the Northwest Territory; and this act also specifically extends to the inhabitants the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio by the articles of the compact contained in the ordinance of 1787.

But we find, however, that Congress, for the first time in the history of the creation of Territorial governments, provided in the act creating the Territory of *Wisconsin* that—

"Nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories in such manner and at such times as Congress shall, in its discretion, deem convenient and proper; or from attaching any portion of said Territory to any other State or Territory of the United States."

Such proviso was, in effect, a reservation of discretionary powers in Congress; and it forms a precedent which has been followed in all of the acts creating Territories of the United States since the act creating the Territory of Wisconsin in 1836 down to the present day, except in the case of the Territory of Washington, in which the proviso is omitted entirely, and in the case of the Territory of Arizona, where reservation of the power of Congress to *attach any part of its territory to any other State or Territory* is omitted.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Before the Senator leaves that particular branch of his very interesting argument, I beg leave of the Senator to make a statement which will complete the history of that.

Mr. BARD. I have not completed it yet.

Mr. BEVERIDGE. I will ask the Senator if it is not true that when the ordinance of 1787 was originally drawn it provided for ten States out of the Northwest Territory, giving their delimitations, and that Congress itself changed it from ten States to five States, thus beginning the policy of Congress, which has been continued since, of making the States progressively larger; and whether it is not true that the original subdivision of the Northwest Territory into ten States, which was rejected by Congress, was urged upon the ground of maintaining equilibrium upon the part of this new territory and the States east of the Alleghenies, and was rejected by Congress and made into five States instead of ten because they did not think that position was tenable?

Mr. BARD. I am unable to tell the Senator what was the reason for it.

Mr. BEVERIDGE. What was done was that originally it was proposed to make ten States out of the territory of which there are now five, and Congress, by committee, the chairman of which was an ancestor of a Member of this body, rejected that plan as originally drawn and adopted the plan of five States, upon the theory, even at that early time, that there were States in the Union which were entirely too small. In this portion of his very interesting and well-connected historical address, I thought perhaps the Senator from California would not object if I put in that statement.

Mr. BATE. Before the Senator from Indiana sits down, with the permission of the Senator from California, I should like to ask a question.

Mr. BARD. Certainly.

Mr. BATE. Is it not true that the territory embraced within Arizona and New Mexico is larger than all the five States or the ten States he speaks of—aye, nearly twice as large?

Mr. BEVERIDGE. With the permission of the Senator from California, I should be very pleased, indeed, to answer the question of the Senator from Tennessee, but I fear I should want to answer it more comprehensively than would be quite courteous to the Senator from California in his time.

With the permission of the Senator, I may state, however, in answer to the question of the Senator from Tennessee, that this new proposed State is much less in area than the State of Texas; that the distances are not so great as at least in two other States of the Union.

Mr. BATE. They have a right to divide it up into five States, a right not given in this bill.

Mr. BEVERIDGE. Yes; and if it is desired that there shall be more Senators from that section of country, why does not Texas, well settled and well populated, avail herself of that opportunity and send ten Senators here?

Mr. BARD. I have just quoted, from the act creating the Territory of Wisconsin, what is a reservation of discretionary powers in Congress, and this forms a precedent. This proviso with reference to Wisconsin—I want to be particular—this proviso with reference to Wisconsin is found to be identical as to phraseology with that of the act of June 12, 1838, creating the Territory of *Iowa;* the act of August 14, 1848, creating the Territory of *Oregon;* the act of March 3, 1849, creating the Territory of *Minnesota;* the act of September 9, 1850, creating the Territory of *New Mexico*, and on the same date the act creating the Territory of *Utah;* the act of March 30, 1854, creating the Territory of *Nebraska*, and on the same date the act creating the Territory of *Kansas;* the act of February 28, 1861, creating the Territory of *Colorado;* the act of March 2, 1861, creating the Territory of *Nevada*, and on the same date the act creating the Territory of *Dakota;* on March 3, 1863, creating the Territory of *Idaho;* the act of May 26, 1864, creating the Territory of *Montana;* act of July 25, 1868, creating the Territory of *Wyoming*, and the act of May 2, 1890, creating the Territory of *Oklahoma*.

Congress has several times exercised its discretionary power thus expressly reserved *to divide* a Territory, as in the case of the division of the Territory of Dakota, of which two States were formed, and in the case of the original Territory of New Mexico, of which Arizona was at one time a part, and also in the case of Utah, which was originally bounded on the west by California, but out of which the State of Nevada was taken, and in the creation of the Territory of Iowa out of a portion of Wisconsin.

But Congress has rarely exercised its power of attaching a portion of a Territory to any other State or Territory. The new Territory of Idaho, organized in 1863, included within its boundaries a part of the Territory of Washington, though the right to attach a portion of Washington Territory to any other State or Territory was not reserved in terms in the act creating that Territory.

The fact that this proviso is found in all of the acts creating many of the Territories certainly indicates that Congress regarded it *necessary* to specifically make a reservation of the right to divide the Territory or to attach portions of it to other States, which right otherwise would appear to be waived by the act of Congress creating a Territorial government in which the autonomy of the people is recognized.

If it be admitted that it was *necessary* that such reservation of the right to attach portions of the Territory to any other State or Territory should be specifically made, then it follows that the *omission* of such a reservation in the act creating the Territory of Arizona implies that Congress intended to give to the people of Arizona an assurance that no portion of their Territory will ever be attached to New Mexico or any other State or Territory.

It is true that Congress has, under the Constitution, plenary power to govern the Territories; but a Government such as ours, when dealing with dependent territory, will exercise such power only according as its wisdom shall deem politic, wise, and just, having regard for the interests of the inhabitants of the territory as well as for the common weal. Congress exercises such power *without qualification* when it governs *newly acquired* territory. It sometimes establishes for such territory military or provisional government, or a government by an executive and judges appointed by the President, who together constitute the legislature for the territory. In such a government the people do not participate.

But in a Territorial government, such as that of New Mexico or Arizona, Congress provides that the executive and the judges shall be appointed by the President, but it gives to the *people* the right to elect the legislature; and the authority conferred upon the legislature extends to all rightful subjects of legislation not inconsistent with the Constitution and the laws of the United States, and such laws stand unless disapproved by Congress.

The granting to the people by Congress of a part of its constitutional power to govern the Territory brings into play the doctrine of the consent of the governed, and creates an autonomy which never has been revoked and never ought to be revoked.

This autonomy belongs to the people "*within the Territory*" of Arizona as it is now constituted and they can not be justly

deprived of it in the manner proposed by this bill. Congress has reserved the right to change the boundaries and to divide the Territory of Arizona, but it has *not* reserved the right to revoke or to discontinue its grant to the people of the limited right of local self-government without the consent of the people.

Let it be observed that Congress has never, in any act creating a Territorial government, reserved to itself the discretion to attach the *whole* of one Territory to another Terrtiory, or to consolidate the governments of two Territories. If it be contended that the right of Congress to unite the *whole* of one Terriory with another, as proposed by this bill, is unquestionable, then it is pertinent to inquire, Why was it necessary or important for Congress, in almost all of the acts creating Territories, to reserve the right to attach *a portion* of one Territory to another State or Territory?

I have said that the precedent formed by these provisos has been followed in all of the acts creating temporary governments of the United States since 1836, except in two of them. One of these exceptions I have referred to as relating to the Territory of Washington, where the proviso is entirely omitted.

The other exception is very remarkable, and I desire especially to call attention of the Senate to the important change in the character and phraseology of this proviso in the case of the act of February 24, 1863, providing a temporary government for the Territory of Arizona, which, as it will be remembered, had been a part of the Territory of New Mexico.

The Arizona proviso is as follows:

Provided, That nothing in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such times as it may deem proper.

This reserves to Congress the power to divide the Territory and follows the precedent to that extent only; but it omits the usual reservation of the right to "*attach any portion of the Territory to any other State or Territory of the United States*," which is contained in every one of twelve acts creating Territorial governments passed by Congress from 1836 to 1863, excepting only the act relating to the Territory of Washington.

This omission is notable, and its significance is accentuated by the fact that, in the act providing for the temporary government of the Territory of *Idaho*, passed in the same session of Congress and about one week later, the usual proviso reserving the right of Congress to *attach* portions of the Territory to any other State or Territory was retained. And the identical proviso contained in the act creating the Territory of Idaho, as well as in the twelve Territorial acts before 1863, is also contained in the later acts of 1864, 1868, and 1890, creating the Territories of Montana, Wyoming, and Oklahoma.

I contend, Mr. President, that this notable omission of the reservation to Congress of the discretion to *attach* any portion of the Territory to any other State or Territory, in the case of Arizona, supports my contention that it was the intention of Congress to give to the people of the Territory of Arizona an assurance that the Territory would never again be joined to that of New Mexico.

In view of the circumstances, it is impossible to believe that the reservations of the right "to change the boundaries" of Arizona could be construed to mean a reservation to Congress of the right to consolidate the whole of the Territory with another State or Territory.

But, Mr. President, there is something even more remarkable and important in the act providing a temporary government for the Territory of Arizona; and I *rely* upon it, mainly, to support my contention that there exists a compact between the United States and the people of the Territory which forbids Congress to pass this measure—and I am gratified to observe that I have at this point the attention of Senators.

The act contains a second proviso, which reads as follows:

Provided further, That *said government* shall be maintained and *continued* until such time as the *people residing in said Territory* shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

You will look in vain for any similar provision if you expect to find it in any of the acts creating Territories passed since 1822. You must go back and examine the ordinance of 1787 or the acts creating the separate Territories of Ohio, Indiana, and Illinois, originally parts of the territory northwest of the Ohio, to find any legislation by Congress which in the least resembles it.

This second proviso in the act creating the Territorial government of Arizona is remarkable in that it is the only legislation since the beginning of our Government which recognizes, *in express terms*, the right of the people of any Territory, sooner or later, to form a State government and apply for and obtain admission into the Union as a State. Indeed, the *subject* of statehood is not even mentioned in any other act creating a Territorial government except in the acts creating the Territories of New Mexico, Kansas, and Nebraska; and in them the only reference to statehood is in the proviso which I have already quoted, and which for sake of emphasizing the reference I quote now once more. It reads as follows:

And provided further, That *when admitted as a State* the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.

There is neither mention of, nor reference to the subject of admission of a State to statehood in any of the acts creating the Territories of Missouri, Alabama, Arkansas, Louisiana, Wisconsin, Iowa, Oregon, Minnesota, Utah, Washington, Colorado, Nevada, Dakota, Montana, Wyoming, or Oklahoma.

But this second proviso in the act creating the Territory of Arizona not only recognizes, by express terms, the right of the people residing in said Territory, ultimately, with the consent of Congress, to form a State government and apply for and obtain admission into the Union as a State, but it assures the people that the temporary government so formed shall be "*maintained and continued* until the people residing in *the said Territory of Arizona*" shall take the initiative to form a State government.

I have called the proviso a compact between the Congress and the people of the Territory of Arizona, similar to the Articles of Compact contained in the ordinance of 1787, which assured to the inhabitants of the territory northwest of the Ohio certain important rights, privileges, and advantages, among which was the right to maintain the boundaries of their separate States or Territorial subdivisions, and eventually to be admitted as States of the Union.

Is there any difference, in point of obligation and national faith, between an ordinance and such a proviso as is found in the act creating the Territorial government of Arizona? Will anyone contend that the difference in the forms of contract is material? Are not the ordinance and the acts of Congress of equal force? Will it not be as gross a violation of good faith for Congress to ignore its solemn agreement with the people of Arizona and compel them to submit to the conditions which this bill imposes as it would have been for Congress to ignore the ordinance of 1787 in the creation of Territories and States in the territory northwest of the Ohio?

The people of Arizona are *not* applying, and have *never* asked Congress for the privilege of again becoming united with New Mexico, or thus united, of becoming a part of a State. On the contrary, they are entering a vigorous protest against this bill.

I regret that the Committee on Territories did not preserve in writing the testimony given at its hearings on this bill in the early part of this session of Congress; but, being a member of the committee, I am justified in stating that there appeared before the committee Governor Brodie, the present governor of the Territory of Arizona; Mr. WILSON, the Delegate in Congress from Arizona, and Mr. B. A. Fowler, a well-known resident for many years of Arizona, and who was the Republican candidate for Delegate at the last national election.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. The Senator will do the committee of which he is a member the justice to observe in this connection that no member of the committee of either party requested that the hearing should be taken down stenographically——

Mr. BARD. That is true.

Mr. BEVERIDGE. And that the hearing followed many months of hearings in the House. Of course, if the Senator had requested it, it would have been done.

Mr. BARD. That is very true.

Mr. BEVERIDGE. Nothing was neglected.

Mr. BARD. I am to be blamed, perhaps, because I myself did not request it.

Mr. BATE. I beg in this connection, with the permission of the Senator from California, to state that all the members of the committee were not present. I ask the Senator from California if there was any opponent of the bill in the committee at the time except himself?

Mr. BEVERIDGE. And the Senator will also do the chairman the justice to say that he had notified the members both formally and by telephone and in person.

Mr. BATE. Certainly; but of the minority there were only two here, who attended when we could; the other two were absent, and they are not here yet.

Mr. BARD. I do not think it will be proper for me to speak of what occurs in my committee or the debates which occurred

between members, but I think I am justified here merely in introducing into my remarks what I think every member of the committee who was present will corroborate.

Mr. BEVERIDGE. There is no objection to that.

Mr. BARD. Certain persons appeared there and gave certain testimony, but in the absence of our usual means of obtaining that knowledge and presenting it to the Senate I am justified in giving the information thus obtained to the Senate.

Mr. BEVERIDGE. There is no objecion to that; and, furthermore, I will corroborate any statement the Senator from California may make as to the gentlemen who appeared at the hearing and what they said, because he will make a correct statement of it. I only rose in justice to the committee to observe, and I thought it proper that it should go in the Senator's remarks, that if the hearings were not preserved stenographically it was because no member asked for it.

Mr. BARD. That is true.

The governor and the Delegate are the official representatives of the people of the Territory; and Mr. Fowler, by reason of his long residence and of opportunities recently afforded him, has ascertained the sentiment of the people of Arizona with reference to this matter. All joined in the statement that the people of Arizona are almost, if not entirely, unanimous in their protest against the passage of this bill.

These representatives of Arizona admit that the majority of the people of Arizona understand that it is not probable that Congress can be convinced now that the Territory has yet reached that degree of preparation which fits it for statehood. They also stated that the people of Arizona, rather than to be joined with New Mexico as a single State, will prefer to remain for an indefinite period under their present Territorial government; and they offered the assurance that, if this measure were defeated, Arizona would not again apply for admission to the Union of States, at least until after the next decennial census shall be taken.

I now call the attention of the Senator from Indiana to what follows, for I think it will be a reply to his inquiry a few minutes ago.

It is said that it is not the purpose of this bill to *compel* Arizona to unite with New Mexico into one State, but that it simply gives the people of the two Territories the privilege and opportunity of coming into the Union in that manner, if they desire to do so.

But this is disingenuous and misleading; for, in the last elections for delegates, Arizona cast only *19,667* votes and New Mexico cast *43,011* votes, while Arizona has only 31,677 registered voters, and New Mexico has 64,422 registered voters; and therefore it is plain that under the scheme of this bill the fate of Arizona depends not upon her own people, but upon the wishes and the interests of the electors of New Mexico.

The bill substantially proposes an arbitrary submission to the electors of the two Territories, jointly, the question whether Arizona (which has been assured by Congress of a separate autonomy) shall, without the consent of her people, be joined with New Mexico in a new State. Even though the vote of Arizona should be cast unanimously against the adoption of the proposed constitution, nevertheless it would be within the power of the voters of New Mexico to force upon Arizona people the acceptance of the new State government.

The measure proposes to give Arizona a representation in the constitutional convention of only 44 delegates, while New Mexico, whose separate autonomy is in no degree superior to that of Arizona, is given a representation of *66* delegates. Such ratio of 3 to 2 is based upon the aggregate population of the two Territories; but the inequality in representation in the convention of the two political *entities* would be unjust.

The constitution of the proposed new State of Arizona must provide for the adjustment of the differences in the customs, the civil procedures, and the debts of the respective Territories. Emphasis has been given in the memorials protesting against the jointure to the *differences* that exist between the two peoples in respect to their race origin, their local customs, habits, and institutions, their ideals and ambitions. Now, under such circumstances the Arizona delegates in the constitutional convention would be utterly powerless to secure a fair adjustment of these differences.

The bill sets before the people of both Territories, as a consideration for their acquiescence, the seductive offers of the grant of public lands larger in area than has ever been granted before to a new State at the time of its admission and also the grant of $5,000,000 in ready money.

When the proposed constitution shall be submitted there will be called at the same time, as is usual in such cases, an election for State, county, and township officers. Think of the candidates, estimated at 1,000 in number, who will be interested in the result, and of the conversions they will make for adoption of the constitution, in order that their candidacy shall not be without results. Qualified voters of both Territories, under such conditions, will be seduced, and, throwing their convictions to the winds, will vote for the constitution in order that their friends or the hundreds of candidates of their party may win the offices.

When in the history of our Republic has a community of American citizens so considerable in number and having their own organized government ever been treated as this bill proposes to treat the people of Arizona?

Mr. President, American communities, and especially those who have blazed the way for the advance of American civilization, enduring the hardships of frontier life, and consecrating their energies of mind and body to the development of the West and the establishment there of American laws, customs, and institutions, are naturally proud of their achievements, their history, and their traditions.

The bill proposes to give the name of Arizona to the proposed new State. It is impossible for such a proud, liberty-loving community of American citizens to be conciliated by such a proposition, or even to receive it with patience.

On the contrary, they will resent such a proposition as a mockery of their distress and an outrage upon their sensibilities as a people. The preservation of the identity of the people of a community can be accomplished only by the preservation of its territorial boundaries. Such use of the name of Arizona is no compliment to them and can not be a compensation to them for the loss of their identity as a separate people.

Some of the people of Arizona regard their Territory as, in a measure, the ward of California, and the commercial and social relations between these two peoples are very close. As my residence is in the southern part of California, which is especially thus closely connected with Arizona, I have opportunities of knowing the sentiment of the people in respect to statehood.

I am pleading for Arizona; not that she may *now* be exalted to the rank and dignity of a sovereign State of the Union, but that she may be spared the humiliation of being deprived of her separate autonomy, which has been recognized for more than forty-one years, and that she may not suffer the degradation which this bill proposes to inflict by forcing her people, against their wishes and protest, under circumstances which are beyond their power to prevent, and upon unequal terms, to be joined forever with her sister Territory of New Mexico.

And I am pleading, also, for the honor of the Congress, that there shall be no violation of good faith with which, as I firmly believe, it can justly be charged if it ignores, as this bill proposes, the compact contained in the act creating the Territory of Arizona, between Congress and the people residing in that Territory.

The repudiation by our Government of any of its obligations or promises would be a reproach to our people, and must inevitably have serious consequences.

The saddest in the train following the violation of its faith by any government will be the patriotic citizens who are shorn of their confidence in the efficiency and honesty of the administration of their government and weakened in their faith in the strength and wisdom of their institutions.

The people believe that "righteousness exalteth a nation." And, Mr. President, I submit that to the minds of the common people of this country this bill will not appear to be righteous. They will be able to put no other construction upon the provisos in the act creating the Territorial government of Arizona, to which I have referred, than that it was a solemn guaranty that for all time the people of Arizona may of right enjoy within their present territorial boundaries a continuous separate autonomy and ultimately to become a sovereign State in the Union, and that to despoil them of such right is unjust, unwise, and dishonorable.

The amendment which I shall offer proposes to strike out sections 19 to 37, inclusive, being all of the provisions of the bill relating to the Territories of Arizona and New Mexico.

If the amendment shall be accepted by the Senate, then the proposition for the admission of the new State of Oklahoma would stand alone, and it is quite evident that Senators are almost of one mind on that question.

Two years ago I opposed the admission of Arizona and New Mexico as separate States, but *now* I would support such a proposition with my vote if by so doing I could prevent their admission jointly.

And, in conclusion, I suggest that if it is wrong to expose the people of Arizona to the possible danger of being forced, against their will, into a union with New Mexico and if such wrong be consummated by the passage of this bill such wrong can never be undone.

Mr. WARREN. I wish to appeal to the Senator from Indiana [Mr. BEVERIDGE] in charge of the pending measure that he permit it to be laid aside temporarily in order that the Senate may resume the consideration of the omnibus claims bill.

Mr. BEVERIDGE. I ask unanimous consent that the unfinished business, the pending bill, may be temporarily laid aside for the purpose indicated by the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the pending measure be temporarily laid aside. Is there objection? The Chair hears none, and that order is made.

Mr. GALLINGER. I desire to ask the Senator from Wyoming how long a time will probably be consumed in concluding the reading of the omnibus claims bill?

Mr. WARREN. It will not take a long time. I shall be glad to have the reading of the bill completed, and then to offer some committee amendments. It is rather early to go into executive session. There will be plenty of time to do that later.

Mr. GALLINGER. I will say to the Senator from Wyoming that it is rather important that the Senate should go into executive session when there is a quorum present, and if the Senator will yield for that purpose now, there will be ample opportunity to have his bill read in the near future. I hope the Senator will agree to that course.

Mr. WARREN. Mr. President, of course, in view of the request of the Senator I shall have to yield; but I wish to give notice that I shall move to go into legislative session for the purpose of resuming the reading of the omnibus claims bill.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. BEVERIDGE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

INTERMENT OF ROSE DILLON SEAGER.

Mr. WARREN. Mr. President——

Mr. GALLINGER. I will say to the Senator from Wyoming, who has been very kind to me to-day, that I wish to ask for the consideration of a bill, and if there is a single objection to it I will immediately withdraw it.

Mr. WARREN. I shall not make any objection, as I understand the bill is very short and will not consume much time.

Mr. GALLINGER. It is a bill of but five or six lines, which I desire to report from the Committee on the District of Columbia, and ask for its immediate consideration.

Mr. WARREN. Very well.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 6368) providing for the interment in the District of Columbia of the remains of Rose Dillon Seager, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

I will simply say that this bill is necessary for the reason that this most estimable young woman, a citizen of the District of Columbia, died at Panama of yellow fever. Under our laws, while the body could be transported through the city, interment could not be allowed. We have passed similar bills heretofore. The remains are expected from New York on next Wednesday, and hence the haste. I have consulted with the health officer of the District, who very highly approves of the passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the health officer of the District of Columbia to issue a permit for the interment in the District of Columbia of the remains of the late Rose Dillon Seager, formerly a resident of the District of Columbia and a citizen of the United States, who died at Panama January 2, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask unanimous consent for the consideration at this time of the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act."

Mr. BEVERIDGE. I have no objection to that, Mr. President, it being understood that the bill is taken up while the regular business is temporarily laid aside for that purpose.

Mr. WARREN. That understanding has already been had, I believe.

Mr. PETTUS. I should like to have another understanding, which is, that no other business shall be transacted this evening.

Mr. BEVERIDGE. Certainly.

Mr. WARREN. So there can be no misunderstanding, I will say that I merely wish to finish the reading of the bill and to offer the committee amendments which are on my table, to correct typographical errors, etc. Then the bill may pass over without further action.

Mr. KEAN. And that no other business shall be transacted.

Mr. BEVERIDGE. The Senator is asking for an agreement merely that the reading of the bill may be finished?

Mr. WARREN. I am merely asking that the reading of the bill may be finished and that some amendments may be made.

Mr. BEVERIDGE. All right.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Wyoming [Mr. WARREN]?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The reading of the bill will be continued.

The Secretary resumed the reading of the bill, and amendment of the Committee on Claims at the top of page 195, and the reading was concluded.

Mr. WARREN. I have some short and unimportant amendments which I should like to offer to perfect the bill.

Mr. BEVERIDGE. They will not take very long?

Mr. WARREN. Only a few moments.

On page 192, after line 11, I move to insert what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Thomas C. Sweeney, of Wheeling, W. Va., the sum of $5,000, in full payment for services of the steamer Ben Franklin during the year 1863.

Mr. WARREN. On page 185, after line 13, I move to amend the amendment by inserting what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Maj. E. W. Halford, paymaster, United States Army, the sum of $165.44, for refunding money to him which he disbursed through error and without fault on his part for travel pay to enlisted men on discharge.

Mr. WARREN. On page 194, after line 2, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read and agreed to, as follows:

To Wiel & Anumdsen, owners of the Norwegian steamer Ragnar, the sum of $8,524.10, amount found due by Consul-General Goodnow, for damages arising from the collision between said steamer and the United States Army transport Sumner, in the Yangtze River, China, on March 18, A. D. 1902.

Mr. WARREN. On page 181, after line 15, I move to insert as an amendment to the amendment, what I send to the desk.

The amendment to the amendment was read and agreed to, as follows:

To Capt. Archibald W. Butt, quartermaster, United States Army, the sum of $480, amount stolen from the United States in Manila, Philippine Islands, by an employee of the quartermaster's department, by name Jose B. Luciano, the said Capt. Archibald W. Butt having fully paid said sum to the United States.

Mr. WARREN. On page 180, after line 23, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read and agreed to, as follows:

To the Chesapeake Bank, of Baltimore, Md., $2,396.28, the amount found to be due the said bank by the Commissioner of Internal Revenue, under the act of Congress approved February 28, 1901 (31 Stat., p. 1750), for internal-revenue taxes illegally collected.

Mr. WARREN. On page 36, under the heading "Arkansas," after line 5, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Robert Gordon, administrator of Jamison W. Rice, deceased, of Phillips County, $5,705.

Mr. WARREN. Under the heading "District of Columbia," on page 42, after line 17, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Mary J. Carpenter, administratrix of the estate of Benjamin D. Carpenter, deceased, $1,253.

Mr. WARREN. On page 55, after line 24, under the head of

"Maryland," I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To Richard P. Blackistone, of St. Mary County, $6,326.

Mr. WARREN. On page 67, after line 5, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To B. E. Gray, administrator of the estate of Mrs. S. M. Davidson, deceased, of Marshall County, $2,370.

To Samuel Worthington, administrator of the estate of Samuel Worthington, deceased, $18,835.

Mr. WARREN. On page 207, after line 12, I move to insert what I send to the desk as an amendment to the amendment.

The amendment to the amendment was read, and agreed to, as follows:

To refund internal-revenue taxes illegally collected from owners of private dies, the following amounts, or so much as may be found due by the accounting officers of the Treasury Department, to wit:

To American Match Company, of Cleveland, Ohio, $358.63; Dr. J. C. Ayer & Co., $8,435; Barclay & Co., $211.25; B. Bendel & Co., $584.17; William Bond, $40; B. Brandreth, $1,965; Brocket & Newton, $280; Frederick Brown, $521.71; Joseph Burnett & Co., $249.90; Byam, Carlton & Co., $28,240.75; Centaur Company, $39.58; Clark Match Company, $970; Cowles & Lech, $1,084.52; Curtiss & Brown, $24; M. Daily, $4,395; James Eaton, $4,505; P. Eichele & Co., $7,427.72; Excelsior Match Company, $398.27; B. A. Fahenstock & Co., $100; Fleming Brothers, $1,300; William Gates, $23,104.81; A. J. Griggs, $1,358.75; R. P. Hall & Co., $2,050; Samuel Hart & Co., $2,861; J. E. Hethrington, $95; Hiscox & Co., $12; C. E. Hull & Co., $81.96; Thomas J. Husband, $154.70; T. T. Ives, $85.95; Dr. D. Jayne & Son, $4,321; J. S. Johnson & Co., $279.75; Johnston, Holloway & Co., $102; Kennedy & Co., $126.66; Lawrence & Cohen, $2,862; C. S. Leete, $505.91; John J. Levy, $1,153.20; C. W. Lord (Lord & Robinson), $1,328.27; Andrew S. Lowe, $51; Dr. J. H. McLean, $970; Merchants' Gargling Oil Company, $536.29; A. Messenger, $4,895; Newbauer & Co., $480; New York Consolidated Card Company, $215; Ray V. Pierce, $969.22; D. Ransom, Son & Co., $748.20; D. M. Richardson, $20,955; Richardson Match Company, $4,730.50; H. & W. Roeber, $958.91; William Roeber, $2,804; J. H. Schenck & Son, $1,284; Schmitt & Schmittdie, $2,282.09; J. E. Schwartz & Co., $90; Schwartz & Haslett, $150; A. L. Scoville & Co., $784; H. Stanton, $3,163.25; Swift & Courtney, $4,650; Herman Tappan, $5; E. R. Tyler, $45; A. Vogeler & Co., $265.50; James H. Weedon, $895; World's Dispensary Medical Association, $30.40.

Mr. WARREN. I have here a list of about thirty-five typographical changes, a letter put in here or one struck out there. I will send the list to the desk, and I have given the reporters a bill already corrected. I should be glad to have these amendments adopted. There is no money involved.

Mr. BEVERIDGE. I understand these are nothing whatever except mere typographical errors to make the bill read correctly.

The PRESIDING OFFICER. Does the Senator desire to have the corrections adopted without being read?

Mr. BEVERIDGE. Certainly.

The PRESIDING OFFICER. Without objection, the amendments to the amendment will be considered as agreed to.

The amendments to the amendment are as follows:

Page 32, line 21, correct spelling of "Moore."
Page 32, line 23, period after "dollars."
Page 38, line 10, period after "cents."
Page 42, line 25, hyphen at end of line.
Page 46, line 17, period at end of line.
Page 47, line 3, comma after "Arkansas."
Page 55, line 18, strike out "at" and insert "of" in lieu.
Page 71, line 19, insert "r" in claimant's name, making it "Elmer."
Page 73, line 21, period after "cents."
Page 75, line 19, period after "cents."
Page 82, line 16, hyphen at end of line.
Page 85, line 17, correct spelling of "surviving."
Page 86, line 20, after word "Company" insert words "of Pittsburg, Allegheny County."
Page 88, line 11, correct spelling of "dollars."
Page 91, line 19, change comma at end of line to period.
Page 91, line 20, change period at end of line to comma.
Page 92, line 3, put hyphen at end of line.
Page 92, line 7, period after "M."
Page 100, line 7, semicolon instead of comma at end of line.
Page 106, line 17, put in comma at end of line.
Page 110, line 22, correct spelling of "Episcopal."
Page 119, line 8, correct spelling of "proceeds" and strike out "re-" before the word "covered."
Page 119, line 24, hyphen at end of line.
Page 123, line 5, insert comma after part of word "deceased" in that line.
Page 123, line 16, insert comma at end of line.
Page 124, line 8, insert comma at end of line.
Page 133, line 5, insert comma at end of line.
Page 133, line 18, transpose two final letters in name of decedent, making name read "Welles."
Page 134, line 21, change period to comma at end of line.
Page 134, line 22, change comma to period at end of line.
Page 178, line 16, change semicolon after "ninety-four" to comma.
Page 181, line 13, correct spelling of "eighty."
Page 183, line 23, change comma after "four" to semicolon.
Page 190, line 25, correct spelling of "and."
Page 223, line 14, correct spelling of name, making it "Louis J." at end of line.

The PRESIDING OFFICER. What is the pleasure of the Senate in regard to this measure?

Mr. WARREN. I do not wish to have the bill considered further at this time, but I desire to say that I shall seek the earliest opportunity to call it up and put it upon its passage, of course deferring to the pending business.

Mr. BEVERIDGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, January 9, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, January 6, 1905.

DISTRICT JUDGES.

Robert W. Tayler, of Ohio, to be United States district judge for the northern district of Ohio, vice Francis J. Wing, whose resignation has been accepted to take effect February 1, 1905.

Arthur L. Sanborn, of Wisconsin, to be United States district judge for the western district of Wisconsin, vice Romanzo Bunn, resigned.

MARSHAL.

John B. Robinson, of Pennsylvania, to be United States marshal for the eastern district of Pennsylvania. A reappointment, his term having expired April 16, 1904.

SECOND SECRETARY AT LEGATION.

Irwin B. Laughlin, of Pennsylvania, to be second secretary of the legation of the United States to Japan, vice John Mackintosh Ferguson, resigned.

CONSUL.

Harold L. Lyon, of Minnesota, to be consul of the United States at Chungking, China, vice M. Marshall Langhorne, declined.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. William W. Low to be a captain in the Marine Corps, from the 1st day of December, 1904, vice Second Lieut. John S. Bates, retired, after being due for promotion.

First Lieut. Leof M. Harding to be a captain in the Marine Corps, from the 9th day of December, 1904, vice Capt. Wendell C. Neville, promoted.

First Lieut. Harold C. Reisinger to be a captain in the Marine Corps, from the 15th day of December, 1904, vice Capt. Albert S. McLemore, appointed assistant adjutant and inspector.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1905.

COLLECTOR OF INTERNAL REVENUE.

Henry M. Rose, of Michigan, to be collector of internal revenue for the fourth district of Michigan.

COLLECTOR OF CUSTOMS.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Charles F. Howell to be a second lieutenant in the Revenue-Cutter Service of the United States.

George E. Wilcox, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Muller S. Hay, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Thaddeus G. Crapster, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

ARKANSAS.

H. F. Butler to be postmaster at Warren, in the county of Bradley and State of Arkansas.

NEW YORK.

Herbert B. Eaton to be postmaster at Youngstown, in the county of Niagara and State of New York.

PENNSYLVANIA.

Nelson B. Duncan to be postmaster at Zelienople, in the county of Butler and State of Pennsylvania.

Samuel W. Hamilton to be postmaster at Vandergrift, in the county of Westmoreland and State of Pennsylvania.

Millard F. Mecklem to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania.

Arthur H. Rider to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania.

James R. Underwood to be postmaster at Roscoe, in the county of Washington and State of Pennsylvania.

H. P. Williams to be postmaster at McDonald, in the county of Washington and State of Pennsylvania.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

EXTRADITION TREATY WITH PANAMA.

The injunction of secrecy was removed January 6, 1905, from a treaty between the United States and the Republic of Panama, for the mutual extradition of criminals, signed at Panama on May 5, 1904.

EXTRADITION TREATY WITH SWEDEN AND NORWAY.

The injunction of secrecy was removed from an amendatory extradition treaty between the United States and Sweden and Norway, signed on December 10, 1904.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 6, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. DALZELL. Mr. Speaker, I move that when the House adjourn to-day, it adjourn to meet on Monday next.

The motion was agreed to.

REGULATION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I want to call the attention of the House to Senate bill 5306. The bill was reported from the Committee on the Merchant Marine and Fisheries. A question arose as to a point in the bill, and the committee directed me to request the return of the bill to the committee. I made the request, but by some means it did not reach the Journal of the House, at the conclusion of the session. I therefore now ask unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill, and that the bill and report be recommitted to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of a bill the title of which will be reported by the Clerk, and that the same be referred to the Committee on the Merchant Marine and Fisheries. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 5306) to amend certain sections of Title LII of the Revised Statutes of the United States entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, we were unable to hear the statement of the gentleman. We would like to know what he wishes to do with the bill.

Mr. GROSVENOR. I want it to go back to the Committee on the Merchant Marine and Fisheries for further examination in connection with certain matters which have transpired since the bill was reported out.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

The SPEAKER. The Chair had a memorandum of two gentlemen on the Democratic side of the House, as he recollects, who desired to be recognized, each to call up a bill, and as the Chair recollects, a bridge bill. The Chair has lost his memorandum, and he calls attention to the matter and submits the request in the presence of the gentlemen. The Chair will recognize either or both.

Mr. LIND. Mr. Speaker, I have a bill, but it is not a bridge bill.

The SPEAKER. The gentleman from Minnesota.

GULL RIVER LUMBER COMPANY.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, to the Gull River Lumber Company, its assigns or successors in interest, a deed of quitclaim and release, quitclaiming and releasing all the right, title, and interest of the United States of America in and to the following real property, lying and being in the county of Cass, in the State of Minnesota, and described as follows: Lots 1, 2, 3, 4, and 5, sec. 20, T. 135 N., R. 29 W.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to hear some explanation.

Mr. LIND. Mr. Speaker, some years ago the Government planned to construct an additional reservoir in the northern part of our State. There are already two or three up the Mississippi, and this was called the Gull River Reservoir. In pursuance of that plan, it obtained conveyance of flowage rights from the settlers without compensation. The project has been abandoned, and this simply authorizes the Secretary of War—and it has the recommendation of the War Department—to reconvey the flowage rights that were granted under the original scheme, and only to reconvey in cases where no consideration was paid for it by the Government in the first instance. The bill has the approval of the War Department. I suppose the property is worth nothing to the Government or to anyone else except to the riparian owners. It is virtually a bill to clear the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the last vote was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. And pending that motion I would like to fix the time for closing general debate.

Mr. LIVINGSTON. Mr. Speaker, the gentleman from Alabama [Mr. TAYLOR], the ranking member of the subcommittee, is not present. I would like to have an understanding with the gentleman in charge of the bill as to whether we shall have any discussion on the bill in the nature of general debate.

Mr. LITTAUER. Personally, I have had only one request for fifteen minutes. I think we could get along with a half an hour on each side.

Mr. LIVINGSTON. Does any gentleman on this side wish for time?

Mr. BAKER. I want a little time.

Mr. LIVINGSTON. How much does the gentleman want?

Mr. BAKER. Oh, you had better make it an hour.

Mr. LIVINGSTON. I think we had better make it an hour on each side. I have only one request for time.

Mr. LITTAUER. Will not half an hour on each side be sufficient?

Mr. BAKER. I will withdraw my request.

Mr. LIVINGSTON. Then we will make it a half hour on each side.

The SPEAKER. Is there objection to half an hour for general debate on each side on the bill? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. LITTAUER was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. BOUTELL in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. LITTAUER. Mr. Chairman, this bill as submitted to the House carries appropriation of $6,747,893. About one-third of that amount, $2,000,000, is for the repair, preservation, and modernizing of our seacoast defense plant, of gun and mortar batteries and their armament. About one-quarter of the amount, $1,555,000, is for range and position finders and the system of fire control; $700,000 is for submarine defense; $200,000 for searchlights; $800,000 for ammunition for seacoast guns, for practice and for reserve supply. Then come items amounting to $1,800,000, which do not appropriately belong to seacoast fortification; $877,000 for artillery, to be used by armies in the